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EXECUTIVE DOCUMENTS

PRINTED BY ORDER OF

THE HOUSE OF REPRESENTATIVES

DURING THE

SECOND SESSION OF THE FORTIETH CONGRESS,

1867-'68.

IN TWENTY VOLUMES.

Volume 1.....No. 1. Diplomatic: Parts 1 and 2.
Volume 2.....No. 1. War: Parts 1 and 2.
Volume 3.....No. 1. Interior: Parts 1 and 2.
Volume 4.....No. 1. Navy, Postmaster General.
Volume 5.....No. 2 and 3.
Volume 6.....No. 4 and 5.
Volume 7.....No. 6 to 57, except No. 23.
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40TH CONGRESS, 2d Session. } HOUSE OF REPRESENTATIVES. { Ex. Doc. No. 296.

APPROPRIATION FOR FRIENDLY INDIANS.

LETTER

FROM

THE SECRETARY OF THE INTERIOR,

TRANSMITTING

A communication from the Acting Commissioner of Indian Affairs, relative to an appropriation for the relief of certain friendly Indians.

MAY 29, 1868.—Referred to the Committee on Appropriations and ordered to be printed.

DEPARTMENT OF THE INTERIOR,
Washington, D. C., May 29, 1868.

SIR: I have the honor to transmit herewith a copy of a communication from the Acting Commissioner of Indian Affairs of the 28th instant, enclosing the accompanying copies of letters from Superintendent Murphy *et al.*, with the indorsement of Commissioner Taylor, relative to the necessity of immediate provision being made for relieving the wants of friendly Indians in the northern, central, and southern superintendencies.

From the statements contained in these and other communications which I have heretofore transmitted to Congress, it will be seen that the condition of these Indians is distressing in the extreme; I therefore respectfully and earnestly urge upon Congress prompt action to avert starvation.

I am, sir, very respectfully, your obedient servant,

O. H. BROWNING, *Secretary.*

Hon. SCHUYLER COLFAX,
Speaker of the House of Representatives.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, D. C., May 28, 1868.

SIR: Referring to office report of the 16th ultimo, relative to the matter of providing for the subsistence of friendly Indians in the northern, central, and southern superintendencies, and also at such other places as the wants of the Indians and the good of the service may require, I now have the honor to enclose herewith copies of letters from Superintendent Murphy, Agents Wynkoop and Stover, and Special Agent Banks, with an indorsement of Commissioner Taylor, all in regard to the destitution of certain Indian tribes in the central superintendency and the necessity of supplying them with food.

From the statements made in said letters, there can be no doubt of the destitution of the Indians therein referred to, and that great suffering, if not actual starvation, will be the result, if the issue of subsistence to them is stopped. Troubles and difficulties may also be expected between them and the settlers in their vicinity, unless supplies are continued to be furnished, or some other means are adopted to relieve their wants.

In view of these facts, and in compliance with the wishes of Commissioner Taylor, as expressed in his indorsement on Superintendent Murphy's letter of the 17th instant, it is respectfully recommended that copies of said letters be laid before Congress, with such favorable remarks thereon as may be deemed advisable, and the request that action be had in the premises by that body, at the earliest day practicable.

Very respectfully, your obedieut servant,

C. E. MIX,
Acting Commissioner.

Hon. O. H. BROWNING,
Secretary of the Interior.

OFFICE OF SPECIAL UNITED STATES INDIAN AGENT,
Lawrence, Kansas, May 12, 1868.

SIR: Herewith enclosed I have the honor to transmit my report of the condition of the Indians in the district for which I have been appointed special agent.

Very respectfully, your obedient servant,

ALEX. R. BANKS,
Special United States Indian Agent.

Hon. N. G. TAYLOR,
Commissioner Indian Affairs, Washington, D. C.

CAMP ON CHE-TO-PAH CREEK, OSAGE NATION,
May 11, 1868.

SIR: Having been permitted to peruse the report of A. R. Banks, esquire, special commissary agent, on the subject of feeding Indians in my superintendency, and being requested by you to report to you my views in relation thereto, I have the honor to state that, from my personal knowledge of the Cheyenne, Arapahoe, and Apaches, the Osages, Kaws, and a portion of other tribes within my superintendency, they have been much benefited by the provisions issued to them; that they feel very grateful to the government for such assistance; that it has prevented deaths from starvation among them; has prevented stealing, and kept the plains Indians at peace, and that it is my honest conviction if these supplies are now withdrawn several of the Indians on reservations will suffer for food, and that it will have the effect of inciting the plains Indians to commit depredations on settlers and plunder unprotected trains, which will surely lead to another Indian war.

Believing that by continuing this humane policy of feeding these Indians they will remain at peace, and knowing by experience that it is far more economical to feed than to fight them, I would respectfully request the department to urge upon Congress the necessity and importance of making at an early day a sufficient appropriation to continue the feeding of these Indians.

Very respectfully, your obedient servant,

THOS. MURPHY,
Superintendent Indian Affairs.

Hon. N. G. TAYLOR,
Commissioner Indian Affairs.

OFFICE OF SPECIAL U. S. INDIAN AGENT,
Lawrence, Kansas, May 4, 1868.

SIR: I have the honor to respectfully submit, in accordance with instructions, a report of the condition of the Indian tribes within the district for which I am special commissary agent. I desire to call your attention to a few suggestions derived from personal observation made on a trip to the plains from which I have just returned. The confederated tribes of Cheyennes, Arapahoes, and Apaches, which have heretofore caused so much trouble, especially during the last summer, I am gratified to report are now at perfect peace. No acts of hostility that I can learn have been committed since the council at Medicine Lodge creek, last October. They seem more deeply impressed than ever before with the solemnity of the treaties there formed, and, apparently, are determined in good faith to carry out their treaty stipulations. Their condition has in many respects been a deplorable one. The advancing tide of civilization has constantly pushed them further from the hunting-grounds of their fathers, and the chase, which is their main, and, I may say, only reliance for the support of themselves and their families, has been greatly circumscribed and limited by the rapid settlements which have followed the building of 350 miles of railway from the eastern boundary of Kansas, and which is now being vigorously pushed into the interior of the plains region; their hunting-grounds are being hedged in by settlements, and their game driven off by the approach of the whites. As a consequence, plundering to a certain extent upon unprotected trains and frontier settlements seemed a necessity of their existence; but when the treaties were made with them last fall, which contemplated their ultimate removal to reservations at the south, in the meanwhile their partial subsistence by the government—more charitable and humane and less expensive than a war of attempted subjugation and extensive nature—the reasons for these depredations ceased, and with the removal of the cause, the fact of their hostility is no longer witnessed. Having been among them unattended, and without an escort, and learning of no depredations, and, what is more remarkable, seeing no reports of outrages in the newspapers, I am safe in saying that none have been perpetrated; this I can only attribute to a more humane and enlightened policy towards them. In this connection I regret exceedingly to learn that further subsistence cannot be furnished, in consequence of the delay of Congress in making the necessary appropriation for this purpose, the funds heretofore appropriated being entirely exhausted. I feel that I would be derelict in duty did I not urge upon you the imperative necessity of a further continuance of supplies to this needy and destitute people. They expect and demand it, in accordance with the promises and agreement made to and with them last fall. The feuds between them and the Indians occupying reservations prevent them from hunting the buffalo, their only means of support, and I fear a renewal of hostilities and depredations upon the whites, should subsistence to these Indians be permanently stopped or longer withheld, in violation of the humane policy which has proved so effective, and in violation of the solemn pledges made to them. If the avoidance of an Indian war on the plains is desirable, as all must admit, it is doubly necessary that these agreements made with the Indians relative to furnishing them with supplies should be faithfully kept, for the reason that the grass is now sufficiently advanced to strengthen their horses, and the Indians consequently better prepared to carry on offensive warfare. While I have no hesitation in expressing the opinion that they will not fight if they are fed, I hesitate to hazard the opinion that they will not fight if they are not fed.

I desire also to call your attention to the very destitute condition of several of the tribes occupying reservations. The bitter hostility existing between them and the Indians of the plains has prevented them from hunting, and entirely cut them off from the game which has heretofore been their entire support, their

annuities being so insignificant as to be altogether insufficient for their support. As a correct instance of the present condition of these tribes, I would refer you to the Osage and Kaw Indians, numbers of whom would have undoubtedly perished from starvation had they not received supplies and assistance from the government.

Very respectfully, your obedient servant,

ALEX. R. BANKS,
Special United States Indian Agent.

Hon. N. G. TAYLOR,
Commissioner Indian Affairs, Washington, D. C.

40TH CONGRESS, 2d Session. } HOUSE OF REPRESENTATIVES. { EX. DOC. No. 297.

FLORIDA.

MESSAGE

FROM THE

PRESIDENT OF THE UNITED STATES,

TRANSMITTING

Papers relating to proceedings in the State of Florida.

MAY 29, 1868.—Referred to the Committee on Reconstruction and ordered to be printed.

To the Senate and House of Representatives:

I transmit to Congress the accompanying documents, which are the only papers that have been submitted to me, relating to the proceedings to which they refer in the State of Florida.

ANDREW JOHNSON.

WASHINGTON, D. C., *May* 27, 1868.

WASHINGTON, D. C., *May* 27, 1868.

SIR: In compliance with a provision of an act of the United States Congress, entitled "An act supplementary to an act to provide a more efficient government in the rebel States," I have the honor, as president of the constitutional convention of the State of Florida, herewith to transmit to you a copy of the constitution framed and adopted by the convention, and ratified by the people of Florida at a duly authorized election held on the 4th, 5th, and 6th instant.

I am, sir, with great respect, your obedient servant,

HORATIO JENKINS, JR.,
President of the Constitutional Convention, State of Florida.

His Excellency ANDREW JOHNSON,
President of the United States.

CONSTITUTION OF THE STATE OF FLORIDA.

Preamble.

We, the people of the State of Florida, grateful to Almighty God for our freedom, in order to secure its blessings and form a more perfect government, insuring domestic tranquillity, maintaining public order, perpetuating liberty and guaranteeing equal civil and political rights to all, do establish this constitution.

Declaration of Rights.

SECTION 1. All men are by nature free and equal, and have certain inalienable rights, among which are those of enjoying and defending life and liberty, acquiring, possessing, and protecting property, and pursuing and obtaining safety and happiness.

SEC. 2. All political power is inherent in the people. Government is instituted for the protection, security, and benefit of its citizens; and they have the right to alter or amend the same whenever the public good may require it, but the paramount allegiance of every citizen is due to the federal government, and no power exists with the people of this State to dissolve its connection therewith.

SEC. 3. This State shall ever remain a member of the American Union; the people thereof a part of the American nation; and any attempt from whatever source, or upon whatever pretence, to dissolve said Union, or to sever said nation, shall be resisted with the whole power of the State.

SEC. 4. The right of trial by jury shall be secured to all, and remain inviolate forever; but in all civil cases a jury trial may be waived by the parties, in the manner to be prescribed by law.

SEC. 5. The free exercise and enjoyment of all religious profession and worship shall forever be allowed in this State, and no person shall be rendered incompetent as a witness on account of his religious opinions; but the liberty of conscience hereby secured shall not be so construed as to justify licentiousness, or practices subversive of the peace and safety of the State.

SEC. 6. The privilege of the writ of habeas corpus shall not be suspended, unless when in case of invasion or rebellion the public safety may require its suspension.

SEC. 7. Excessive bail shall not be required, nor excessive fines imposed, nor cruel or unusual punishments inflicted, nor shall witnesses be unreasonably detained.

SEC. 8. All persons shall be bailable by sufficient sureties, unless for capital offences when the proof is evident or the presumption great.

SEC. 9. No person shall be tried for a capital or otherwise infamous crime, except in cases of impeachment, and in cases of the militia when in active service in time of war, or in which the State may keep, with the consent of Congress, in time of peace, and in cases of petit larceny under the regulation of the legislature, unless on presentment and indictment by a grand jury; and in any trial by any court, the party accused shall be allowed to appear and defend in person and with counsel, as in civil actions. No person shall be subject to be twice put in jeopardy for the same offence, nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property without due process of law; nor shall private property be taken without just compensation.

SEC. 10. Every citizen may fully speak and write his sentiments on all subjects, being responsible for the abuse of that right, and no law shall be passed to restrain or abridge the liberty of speech or the press. In all criminal prosecutions and civil actions for libel, the truth may be given in evidence to the jury, and if it shall appear that the matter charged as libellous is true, but was published for good motives, the party shall be acquitted or exonerated.

SEC. 11. The people shall have the right to assemble together, to consult for the common good, to instruct their representatives, and to petition the legislature for a redress of grievances.

SEC. 12. All laws of a general nature shall have a uniform operation.

SEC. 13. The military shall be subordinate to the civil power.

SEC. 14. No soldier shall, in time of peace, be quartered in any house except

with the consent of the owners, nor in time of war, except in manner prescribed by law.

SEC. 15. Representatives shall be apportioned according to population, as well as may be, but no county shall have more than four representatives nor less than one representative in the assembly.

SEC. 16. No person shall be imprisoned for debt, except in case of fraud.

SEC. 17. No bill of attainder, or ex post facto law, or laws impairing the obligations of contracts, shall ever be passed.

SEC. 18. Foreigners who are, or who may hereafter become bona fide residents of the State, shall enjoy the same rights in respect to possession, enjoyment, and inheritance of property as native-born citizens.

SEC. 19. Neither slavery nor involuntary servitude, unless for the punishment of crime, shall ever be tolerated in this State.

SEC. 20. The rights of the people to be secure in their persons, houses, and effects, against unreasonable seizures and searches, shall not be violated; and no warrants issued but in probable cause, supported by oath or affirmation, particularly describing the place or places to be searched, and the person or persons and thing or things to be seized.

SEC. 21. Treason against the State shall consist only in levying war against it, adhering to its enemies, or giving them aid and comfort; and no person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or confession in open court.

SEC. 22. The people shall have the right to bear arms in defence of themselves and of the lawful authority of the State.

SEC. 23. No preference can be given by law to any church, sect, or mode of worship.

SEC. 24. This enunciation of rights shall not be construed to impair or deny others retained by the people.

ARTICLE I.

Boundaries.

The boundaries of the State of Florida shall be as follows. Commencing at the mouth of the river Perdido; from thence up the middle of said river to where it intersects the south boundary line of the State of Alabama and the thirty-first degree of north latitude; thence due east to the Chattahoochee river; thence down the middle of said river to its confluence with the Flint river; from thence straight to the head of the St. Mary's river; thence down the middle of said river to the Atlantic ocean; thence southeastwardly along the coast to the edge of the Gulf Stream; thence southwestwardly along the edge of the Gulf Stream and Florida reefs to and including the Tortugas islands; thence northeastwardly to a point three leagues from the main land; thence northwestwardly three leagues from the land to a point west of the mouth of the Perdido river; thence to the place of beginning.

ARTICLE II.

Seat of government.

The seat of government shall be and remain permanent at the city of Tallahassee, in the county of Leon, until otherwise located by a majority vote of the legislature, and by a majority vote of the people.

ARTICLE III.

Distribution of powers.

The powers of the government of the State of Florida shall be divided into three departments, to wit: legislative, executive, and judicial, and no person

properly belonging to one of the departments shall exercise any functions appertaining to either of the others, except in those cases expressly provided for by this constitution.

ARTICLE IV.

Legislative department.

SECTION 1. The legislative authority of this State shall be vested in a senate and assembly, which shall be designated the "legislature of the State of Florida," and the sessions thereof shall be held at the seat of government of the State.

SEC. 2. The sessions of the legislature shall be annual, the first session on the second Monday of June, A. D. 1868, and thereafter on the first Tuesday after the first Monday of January, commencing in the year A. D. 1869. The governor may in the interim convene the same in extra session by his proclamation.

SEC. 3. The members of the assembly shall be chosen biennially, those of the first legislature on the first Monday, Tuesday, and Wednesday of May, A. D. 1868, and thereafter one the first Tuesday after the first Monday of November, commencing with the year A. D. 1870.

SEC. 4. Senators shall be chosen for the term of four years, at the same time and place as members of the assembly: *Provided*, That the senators elected at the first election from the senatorial districts designated by even numbers shall vacate their seats at the expiration of two years, and thereafter all senators shall be elected for the term of four years, so that one-half of the whole number shall be elected biennially.

SEC. 5. Senators and members of the assembly shall be duly qualified electors in the respective counties and districts which they represent.

SEC. 6. Each house shall judge of the qualifications, elections, and returns of its own members, choose its own officers, except the president of the senate, determine the rules of its proceedings, and may punish its members for disorderly conduct, and, with the concurrence of two-thirds of all the members present, expel a member.

SEC. 7. Either house, during the session, may punish by imprisonment any person not a member who shall have been guilty of disorderly or contemptuous conduct in its presence, but such imprisonment shall not extend beyond the final adjournment of the session.

SEC. 8. A majority of each house shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and may compel the presence of absent members, in such manner and under such penalties as each house may prescribe.

SEC. 9. Any person who shall be convicted of embezzlement or defalcation of the funds of the State, or of having given or offered a bribe to secure his election or appointment to office, or of having received a bribe to aid in the procurement of office for any other person, shall be disqualified from holding any office of honor, profit or trust in the State; and the legislature shall, as soon as practicable, provide by law for the punishment of such embezzlement, defalcation, or bribery, as a felony.

SEC. 10. Each house shall keep a journal of its own proceedings, which shall be published, and the yeas and nays of the members of either house on any question shall, at the desire of any three members present, be entered on the journal.

SEC. 11. The doors of each house shall be kept open during its session, except the senate while sitting in executive session, and neither shall, without the consent of the other, adjourn for more than three days, or to any other town than that in which they may be holding their session.

SEC. 12. Any bill may originate in either house of the legislature, and after being passed in one house may be amended in the other.

SEC. 13. The enacting clause of every law shall be as follows: "The people of the State of Florida, represented in senate and assembly, do enact as follows."

SEC. 14. Each law enacted in the legislature shall embrace but one subject and matter properly connected therewith, which subject shall be briefly expressed in the title, and no law shall be amended or revised by reference to its title only, but in such case the act as revised, or section as amended, shall be re-enacted and published at length.

SEC. 15. Every bill shall be read by sections on three several days in each house, unless in case of emergency two-thirds of the house where such bill may be pending shall deem it expedient to dispense with this rule; but the reading of a bill by sections on its final passage shall in no case be dispensed with; and the vote on the final passage of every bill or joint resolution shall be taken by yeas and nays, to be entered in the journal of each house, and a majority of the members present in each house shall be necessary to pass every bill or joint resolution, and all bills or joint resolutions so passed shall be signed by the presiding officers of the respective houses, and by the secretary of the senate and clerk of the assembly.

SEC. 16. No money shall be drawn from the treasury except by appropriation made by law, and accurate statements of the receipts and expenditures of the public money shall be attached to and published with the laws passed at every regular session of the legislature.

SEC. 17. The legislature shall not pass special or local laws in any of the following enumerated cases: that is to say, regulating the jurisdiction and duties of any class of officers, or for the punishment of crime or misdemeanor; regulating the practices of courts of justice; providing for changing venue of civil and criminal cases; granting divorces; changing the names of persons; vacating roads, town plats, streets, alleys and public squares; summoning and impanelling grand and petit juries and providing for their compensation; regulating county, township and municipal business; regulating the election of county, township and municipal officers; for the assessment and collection of taxes for State, county and municipal purposes; providing for opening and conducting elections for State, county and municipal officers, and designating the places of voting; providing for the sale of real estate belonging to minors or other persons laboring under legal disabilities; regulating the fees of officers.

SEC. 18. In all cases enumerated in the preceding section, and in all other cases where general law can be made applicable, all laws shall be general and of uniform operation throughout the State.

SEC. 19. Provision may be made by general law for bringing suit against the State as to all liabilities now existing or hereafter originating.

SEC. 20. Lotteries are hereby prohibited in this State.

SEC. 21. The legislature shall establish a uniform system of county, township and municipal government.

SEC. 22. The legislature shall provide by general law for incorporating such municipal, educational, agricultural, mechanical, mining and other useful companies or associations as may be deemed necessary.

SEC. 23. No person who is not a qualified elector of this State, or any person who shall have been convicted of bribery, forgery, perjury, larceny or other high crime, unless restored to civil rights, shall be permitted to serve on juries.

SEC. 24. Laws shall be passed regulating elections and prohibiting, under adequate penalties, all undue influence thereon from power, bribery, tumult, or other improper practice.

SEC. 25. Regular sessions of the legislature may extend to sixty days; but any special session convened by the governor shall not exceed twenty days.

SEC. 26. All property, both real and personal, of the wife owned by her

before marriage or acquired afterward by gift, devise, descent, or purchase, shall be her separate property and not liable for the debts of her husband.

SEC. 27. The legislature shall provide for the election by the people or appointment by the governor of all State, county, or municipal officers not otherwise provided for by this constitution, and fix by law their duties and compensation.

SEC. 28. Every bill which may have passed the legislature shall, before becoming a law, be presented to the governor. If he approves it he shall sign it; but if not, he shall return it with his objections to the house in which it originated, which house shall cause such objections to be entered upon its journals and proceed to reconsider it. If after such reconsideration it shall pass both houses by a two-thirds vote of the members present, which vote shall be entered on the journal of each house, it shall become a law. If any bill shall not be returned within five days (Sundays excepted) after it shall have been presented to the governor, the same shall be a law in like manner as if he had signed it. If the legislature by its final adjournment prevent such action, such bill shall be a law unless the governor within ten days next after the adjournment shall file such bill with his objections thereto in the office of the secretary of state, who shall lay the same before the legislature at its next session, and if the same shall receive two-thirds of the votes present it shall become a law.

SEC. 29. The assembly shall have the sole power of impeachment; but a vote of two-thirds of all the members present shall be required to impeach any officer, and all impeachments shall be tried by the senate. When sitting for that purpose, the senators shall be upon oath or affirmation, and no person shall be convicted without the concurrence of two-thirds of the senators present. The chief justice shall preside at all trials by impeachment, except in the trial of the chief justice, when the lieutenant governor shall preside. The governor, lieutenant governor, members of the cabinet, justices of the supreme court, and judges of the circuit court shall be liable to impeachment for any misdemeanor in office; but judgment in such cases shall extend only to removal from office, and disqualification to hold any office of honor, trust, or profit under the State; but the party convicted or acquitted shall nevertheless be liable to indictment, trial, and punishment according to law. All other officers who shall have been appointed to office by the governor, and by and with the consent of the senate, may be removed from office upon the recommendation of the governor and consent of the senate; but they shall nevertheless be liable to indictment, trial, and punishment according to law for any misdemeanor in office. All other civil officers shall be tried for misdemeanor in office, in such manner as the legislature may provide.

SEC. 30. Laws making appropriation for the salaries of public officers and other current expenses of the State shall contain provisions on no other subject.

SEC. 31. The legislature shall elect United States senators in the manner prescribed by the Congress of the United States and by this constitution.

ARTICLE V.

Executive department.

SECTION 1. The supreme executive power of the State shall be vested in a chief magistrate, who shall be styled the governor of Florida.

SEC. 2. The governor shall be elected by the qualified electors at the time and places of voting for the members of the legislature, and shall hold his office for four years from the time of his instalment: *Provided*, That the term of the first governor elected under this constitution shall expire at the opening of the regular session of the legislature of A. D., 1873, and until his successor shall be qualified. He shall take the oath of office prescribed for all State officers.

SEC. 3. No person shall be eligible to the office of governor who is not a qualified elector, and who has not been nine years a citizen of the United States, and three years of the State of Florida next preceding the time of his election.

SEC. 4. The governor shall be commander-in-chief of the military forces of the State, except when they shall be called into the service of the United States.

SEC. 5. He shall transact all executive business with the officers of the government, civil and military, and may require information, in writing, from the officers of the administrative department upon any subject relating to the duties of their respective offices.

SEC. 6. He shall see that the laws are faithfully executed.

SEC. 7. When any office from any cause shall become vacant, and no mode is provided by this constitution or by the laws of the State for filling such vacancy, the governor shall have the power to fill such vacancy by granting a commission, which shall expire at the next election.

SEC. 8. The governor may on extraordinary occasions convene the legislature by proclamation, and shall state to both houses when organized the purpose for which they have been convened, and the legislature then shall transact no legislative business except that for which they are especially convened, or such other legislative business as the governor may call to the attention of the legislature while in session, except by the unanimous consent of both houses.

SEC. 9. He shall communicate by message to the legislature at each regular session the condition of the State, and recommend such measures as he may deem expedient.

SEC. 10. In case of a disagreement between the two houses with respect to the time of adjournment, the governor shall have the power to adjourn the legislature to such time as he may think proper, provided it is not beyond the time fixed for the meeting of the next legislature.

SEC. 11. The governor shall have power to suspend the collection of fines and forfeitures, and grant reprieves for a period not exceeding sixty days, dating from the time of conviction for all offences, except in cases of impeachment. Upon conviction for treason he shall have power to suspend the execution of sentence until the case shall be reported to the legislature at its next session, when the legislature shall either pardon, direct the execution of the sentence, or grant a further reprieve; and if the legislature shall fail or refuse to make final disposition of such case, the sentence shall be enforced at such time and place as the governor may by his order direct. The governor shall communicate to the legislature at the beginning of every session every case of fine or forfeiture remitted or reprieved, pardon or commutation granted, stating the name of the convict, the crime for which he was convicted, the sentence, its date, and the date of its remission, commutation, pardon or reprive.

SEC. 12. The governor, justices of the supreme court, and attorney general, or a major part of them, of whom the governor shall be one, may upon such conditions and with such limitations and restrictions as they may deem proper, remit fines and forfeitures, commute punishments, and grant pardons after conviction in all cases except treason and impeachment, subject to such regulations as may be provided by law relative to the manner of applying for pardons.

SEC. 13. The grants and commissions shall be in the name and under the authority of the State of Florida, sealed by the great seal of the State, signed by the governor and countersigned by the secretary of state.

SEC. 14. A lieutenant governor shall be elected at the same time and places and in the same manner as the governor, whose term of office and eligibility shall also be the same. He shall be the president of the senate, but shall have only a casting vote therein. If, during a vacancy of the office of governor, the lieutenant governor shall be impeached, displaced, resign, die or become incapable of performing the duties of his office, or be absent from the State, the presi-

dent pro tempore of the senate shall act as governor until the office be filled or the disability cease.

SEC. 15. In the case of the impeachment of the governor, or his removal from office, death, inability to discharge his official duties, or resignation, the power and duties of the office shall devolve upon the lieutenant governor for the residue of the term, or until the disability shall cease; but the governor shall not, without the consent of the legislature, be out of the State in time of war.

SEC. 16. The governor may at any time require the opinion of the justices of the supreme court as to the interpretation of any portion of this constitution, or upon any point of law, and the supreme court shall render such opinion in writing.

SEC. 17. The governor shall be assisted by a cabinet of administrative officers, consisting of a secretary of state, attorney general, comptroller, treasurer, surveyor general, superintendent of public instruction, adjutant general, and commissioner of immigration. Such officers shall be appointed by the governor and confirmed by the senate, and shall hold their offices the same time as the governor, or until their successors shall be qualified.

SEC. 18. The governor shall, by and with the consent of the senate, appoint all commissioned officers of the State militia.

SEC. 19. The governor shall appoint, by and with the consent of the senate, in each county an assessor of taxes and collector of revenue, whose duties shall be prescribed by law, and who shall hold their offices for two years and be subject to removal upon the recommendation of the governor and consent of the senate. The governor shall appoint in each county a county treasurer, county surveyor, superintendent of common schools, and five county commissioners, each of whom shall hold his office for two years, and the duties of each shall be prescribed by law. Such officers shall be subject to removal by the governor when in his judgment the public welfare will be advanced thereby: *Provided*, No officer shall be removed except for wilful neglect of duty, or a violation of the criminal laws of the State, or for incompetency.

SEC. 20. The governor and cabinet shall constitute a board of commissioners of State institutions, which board shall have supervision of all matters connected therewith, in such manner as shall be prescribed by law.

SEC. 21. The governor shall have power, in cases of insurrection or rebellion, to suspend the writ of habeas corpus within the State.

ARTICLE VI.

Judicial department.

SECTION. 1. The judicial power of the State shall be vested in a supreme court, circuit courts, county courts, and justices of the peace.

SEC. 2. The style of all process shall be "The State of Florida," and all prosecutions shall be conducted in the name and by the authority of the same.

SEC. 3. The supreme court shall consist of a chief justice and two associate justices, who shall hold their offices for life, or during good behavior. They shall be appointed by the governor and confirmed by the senate.

SEC. 4. The majority of the justices of the supreme court shall constitute a quorum for the transaction of all business. The supreme court shall hold three terms each year in the supreme court-room at the seat of government. Such terms shall commence on the second Tuesday of October, January, and April, respectively.

SEC. 5. The supreme court shall have appellate jurisdiction in all cases in equity, also in all cases of law in which is involved the title to, or right of, possession of real estate, or the legality of any tax, impost, assessment, toll, or municipal fine, or in which the demand or the value of the property in contro-

versy exceeds three hundred dollars, also, in all other civil cases not included in the general subdivisions of law and equity; also, in all questions of law alone; in all criminal cases in which the offences charged amount to felony. The court shall have power to issue writs of mandamus, certiorari prohibition, quo warranto, habeas corpus, and also all writs necessary or proper to the complete exercise of its appellate jurisdiction. Each of the justices shall have the power to issue writs of habeas corpus to any part of the State upon petition by, or on behalf of any person held in actual custody, and may make such writs returnable before himself or the supreme court, or before any circuit court in the State, or before any judge of said courts.

SEC. 6. The supreme court shall appoint a clerk of the supreme court, who shall have his office at the capitol, and shall be librarian of the supreme court library. He shall hold his office until his successor is appointed and qualified.

SEC. 7. There shall be seven circuit judges appointed by the governor and confirmed by the senate, who shall hold their office for eight years. The State shall be divided into seven judicial districts, the limits of which are defined in this constitution, and one judge shall be assigned to each circuit. Such judge shall hold two terms of his court in each county within his circuit, each year, at such times and places as shall be prescribed by law. The chief justice may, in his discretion, order a temporary exchange of circuits by the respective judges, or any judge, to hold one or more terms in any other circuit than that to which he is assigned. The judge shall reside in the circuit to which he is assigned.

SEC. 8. The circuit courts in the several judicial circuits shall have original jurisdiction in all cases of equity, also in all cases at law which involve the title or the right of possession to, or the possession of, or the boundaries of real property; of the legality of any tax, impost, assessment, toll, or municipal fine, and in all other cases in which the demand or the value of property in controversy exceeds three hundred dollars, and of the action of forcible entry and unlawful detainer, and also in all criminal cases amounting to felony. They shall have final appellate jurisdiction in all civil cases arising in the county court in which the amount in controversy is one hundred dollars and upwards, and in all cases of misdemeanor. The circuit courts and the judges thereof shall have power to issue writs of mandamus, injunction, quo warranto, certiorari, and all other writs proper and necessary to the complete exercise of their jurisdiction, and also shall have power to issue writs of habeas corpus on petition by or on behalf of any person held in actual custody in their respective circuits.

SEC. 9. There shall be a county court organized in each county. The governor shall appoint a county judge for each county, who shall be confirmed by the Senate, and such judge shall hold his office for four years from the date of his commission, or until his successor is appointed and qualified.

SEC. 10. The county court shall be a court of oyer and terminer.

SEC. 11. The county court shall have jurisdiction of all misdemeanors and all civil cases, where the amount in controversy does not exceed three hundred dollars; and its jurisdiction shall be final in all civil cases where the amount in controversy does not exceed one hundred dollars; but in no case shall the county court have jurisdiction when the title or boundaries of real estate is in controversy, or where the jurisdiction will conflict with that of the several courts of records; but they may have coextensive jurisdiction with the circuit courts in cases of forcible entry and unlawful detention of real estate, subject to appeal to the circuit court. The county court shall have full surrogate or probate powers, but subject to appeal. Provision shall be made by law for all other powers, duties, and responsibilities of the county courts and judges. There shall be a regular trial term of the county courts six times in each year, at such times and places as may be prescribed by law.

SEC. 12. Grand and petit jurors shall be taken from the registered voters of the respective counties.

SEC. 13. In all trials, civil and criminal, in the circuit and county courts, the evidence shall be reduced to writing by the clerk of the court or his deputy under the control of the court; and every witness, after his examination shall have closed, shall be at liberty to correct the evidence he has given, and afterward shall sign the same; such evidence shall be filed in the office of the clerk with the papers in the case.

SEC. 14. All pleas shall be sworn to either by the parties or their attorneys.

SEC. 15. The governor shall appoint as many justices of the peace as he may deem necessary. Justices of the peace shall have criminal jurisdiction and civil jurisdiction not to exceed fifty dollars, but this shall not extend to the trial of any person for misdemeanor or crime. The duties of justices of the peace shall be fixed by law. Justices of the peace shall hold their offices during good behavior, subject to removal by the governor at his own discretion.

SEC. 16. The legislature may establish courts for municipal purposes only, in incorporated towns and cities. All laws for the organization or government of municipal courts shall be general in their provisions, and be equally applicable to the municipal courts of all incorporated towns and cities.

SEC. 17. Any civil cause may be tried before a practicing attorney as referee upon the application of the parties, and an order from the court in whose jurisdiction the case may be, authorizing such trial and appointing such referee. Such referee shall keep a complete record of the case, including the evidence taken, and such record shall be filed with the papers in the case in the office of the clerk, and such cause shall be subject to an appeal in the manner prescribed by law.

SEC. 18. No other courts than those herein specified shall be organized in this State.

SEC. 19. The governor, by and with the advice and consent of the senate, shall appoint a state attorney in each judicial circuit, whose duties shall be prescribed by law. He shall hold his office for four years from the date of his commission, and until his successor shall be appointed and qualified. The governor, by and with the advice and consent of the senate, shall appoint in each county a sheriff and clerk of the circuit court, who shall also be clerk of the county court and board of county commissioners, recorder, and ex officio auditor of the county, each of whom shall hold his office for four years. Their duties shall be prescribed by law.

SEC. 20. A constable shall be elected by the registered voters in each county for every two hundred (200) registered voters; but each county shall be entitled to at least two constables; and no county shall have more than twelve constables. They shall perform such duties and under such instructions as shall be prescribed by law.

SEC. 21. Attorneys at law, who have been admitted to practice in any court of record in any State of the Union, or to any United States court, shall be admitted to practice in any court of this State on producing evidence of having been so admitted.

ARTICLE VII.

Administrative department.

SECTION 1. There shall be a cabinet of administrative officers, consisting of a secretary of state, attorney general, comptroller, treasurer, surveyor general, superintendent of public instruction, adjutant general, and commissioner of immigration, who shall assist the governor in the performance of his duties.

SEC. 2. The secretary of state shall keep the records of official acts of the legislature and executive department of the government, and shall, when required,

lay the same and all matters relative thereto before either branch of the legislature, and shall be the custodian of the great seal of the State.

SEC. 3. The attorney general shall be the legal adviser of the governor and of each of the cabinet officers, and shall perform such other legal duties as the governor may direct, or as may be provided by law. He shall be reporter for the supreme court.

SEC. 4. The treasurer shall receive and keep all funds, bonds or other securities in such manner as may be provided by law, and shall disburse no funds, bonds or other securities except upon the order of the comptroller, countersigned by the governor, in such manner as shall be prescribed by law.

SEC. 5. The duties of the comptroller shall be prescribed by law.

SEC. 6. The surveyor general shall have the administrative supervision of all matters pertaining to the public lands, under such regulations as shall be prescribed by law.

SEC. 7. The superintendent of public instruction shall have the administrative supervision of all matters pertaining to public instruction; the supervision of buildings devoted to educational purposes, and the libraries belonging to the university and common schools. He shall organize a historical bureau for the purposes of accumulating such matter and information as may be necessary for compiling and perfecting the history of the State. He shall also establish a cabinet of minerals and other natural productions.

SEC. 8. The adjutant general shall, under the orders of the governor, have the administrative supervision of the military department and the supervision of the State prison, and of the quarantine of the coast, in such manner as shall be prescribed by law.

SEC. 9. The commissioner of immigration shall organize a bureau of immigration for the purposes of furnishing information, and for the encouragement of immigration. The office of commissioner of immigration shall expire at the end of 15 years from the ratification of this constitution, but the legislature shall have the power to continue it by law.

SEC. 10. Each officer of the cabinet shall make a full report of his official acts, of the receipts and expenditures of his office, and of the requirements of the same, to the governor at the beginning of each regular session of the legislature, or whenever the governor shall require it. Such reports shall be laid before the legislature by the governor, at the beginning of each regular session thereof. Either house of the legislature may, at any time, call upon any cabinet officer for any information required by it.

ARTICLE VIII.

Education.

SECTION 1. It is the paramount duty of the State to make ample provision for the education of all the children residing within its borders, without distinction or preference.

SEC. 2. The legislature shall provide a uniform system of common schools, and a university, and shall provide for the liberal maintenance of the same. Instruction in them shall be free.

SEC. 3. There shall be a superintendent of public instruction, whose term of office shall be four years, and until the appointment and qualification of his successor. He shall have general supervision of the educational interests of the State. His duties shall be prescribed by law.

SEC. 4. The common school fund, the interest of which shall be exclusively applied to the support and maintenance of common schools, and purchase of suitable libraries and apparatus therefor, shall be derived from the following sources: the proceeds of all lands that have been or may hereafter be granted to the State by the United States for educational purposes; donations by indi-

viduals for educational purposes; appropriations by the State; the proceeds of lands or other property which may accrue to the State by escheat or forfeiture; the proceeds of all property granted to the State, when the purpose of such grant shall not be specified; all moneys which may be paid as an exemption from military duty; all fines collected under the penal laws of this State; such portion of the per capita tax as may be prescribed by law for educational purposes; 25 per centum of the sales of public lands which are now or which hereafter may be owned by the State.

SEC. 5. A special tax of not less than one mill on the dollar of all taxable property in the State, in addition to the other means provided, shall be levied and apportioned annually for the support and maintenance of common schools.

SEC. 6. The principal of the common school fund shall remain sacred and inviolate.

SEC. 7. Provision shall be made by law for the distribution of the common school fund, among the several counties of the State, in proportion to the number of children residing therein, between the ages of 4 and 21 years.

SEC. 8. Each county shall be required to raise annually by tax, for the support of common schools therein, a sum not less than one-half of the amount apportioned to each county for that year from the income of the common school fund. Any school district neglecting to establish and maintain for at least three months in each year such school or schools as may be provided by law for such district, shall forfeit its portion of the common school fund during such neglect.

SEC. 9. The superintendent of public instruction, secretary of state, and attorney general shall constitute a body corporate to be known as the board of education of Florida. The superintendent of public instruction shall be the president thereof. The duties of the board of education shall be prescribed by the legislature.

ARTICLE IX.

Homestead.

SECTION 1. A homestead, to the extent of 160 acres of land, or the half of one acre, within the limits of any incorporated city or town, owned by the head of a family residing in this State, together with $1,000 worth of personal property, and the improvements on the real estate, shall be exempted from forced sale under any process of law, and the real estate shall not be alienable without the joint consent of husband and wife, when that relation exists. But no property shall be exempt from sale for taxes, or for the payment of obligations contracted for the purchase of said premises, or for the erection of improvements thereon, or for house, field or other labor performed on the same. The exemption herein provided for in a city or town shall not extend to more improvements or buildings than the residence and business house of the owner.

SEC. 2. In addition to the exemption provided for in the first section of this article, there shall be and remain exempt from sale, by any legal process in the State, to the head of a family residing in this State, such property as he or she may select, to the amount of $1,000; said exemption in this section shall only prevent the sale of property in cases where the debt was contracted, liability incurred, or judgment obtained before the 10th day of May, A. D. 1865. Nothing herein contained shall be so construed as to exempt any property from sale for payment of the purchase money of the same, or for the payment of taxes or labor.

SEC. 3. The exemption provided for in sections one and two of this article shall accrue to the heirs of the party having enjoyed or taken the benefit of such exemption, and the exemption provided for in section one of this article shall apply to all debts, except as specified in said section, no matter when or where the debt was contracted or liability incurred.

ARTICLE X.

Public institutions.

SECTION 1. Institutions for the benefit of the insane, blind and deaf, and such other benevolent institutions as the public good may require, shall be fostered and supported by the State, subject to such regulations as may be provided by law.

SEC. 2. A State prison shall be established and maintained in such manner as may be fixed by law. Provisions may be made by law for the establishment and maintenance of a house of refuge for juvenile offenders, and the legislature shall have power to establish a home and workhouse for common vagrants.

SEC. 3. The respective counties of the State shall provide in the manner fixed by law for those of the inhabitants who by reason of age, infirmity, or misfortunes, may have claims upon the aid and sympathy of society.

ARTICLE XI.

Militia.

SECTION 1. All able-bodied male inhabitants of this State between the ages of 18 and 45 years, who are citizens of the United States, or have declared their intentions to become citizens thereof, shall constitute the militia of the State, but no male citizen, of whatever religious creed or opinion, shall be exempt from military duty, except upon such conditions as may be prescribed by law.

SEC. 2. The legislature shall provide by law for organizing and disciplining the militia of the State for the encouragement of volunteer corps, the safe keeping of the public arms, and for a guard for the State prison.

SEC. 3. The adjutant general shall have the grade of major general. The governor, by and with the consent of the Senate, shall appoint two major generals and four brigadier generals of militia. They shall take rank according to the date of their commissions. The officers and soldiers of the State militia, when uniformed, shall wear the uniform prescribed for the United States army.

SEC. 4. The governor shall have power to call out the militia to preserve the public peace, to execute the laws of the State, and to suppress insurrection or repel invasion.

ARTICLE XII.

Taxation and finance.

SECTION 1. The legislature shall provide for a uniform and equal rate of taxation, and shall prescribe such regulations as shall secure a just valuation of all property, both real and personal, excepting such property as may be exempted by law for municipal, educational, literary, scientific, religious, or charitable purposes.

SEC. 2. The legislature shall provide for raising revenue sufficient to defray the expenses of the State for each fiscal year, and also a sufficient sum to pay the principal and interest of the existing indebtedness of the State.

SEC. 3. No tax shall be levied, except in pursuance of law.

SEC. 4. No moneys shall be drawn from the treasury, except in pursuance of appropriation made by law.

SEC. 5. An accurate statement of the receipts and expenditures of the public moneys shall be published with the laws of each regular session of the legislature.

SEC. 6. The legislature shall authorize the several counties and incorporated towns in the State to impose taxes for county and corporation purposes, and for no other purpose, and all property shall be taxed upon the principle established

for State taxation. The legislature may also provide for levying a special capitation tax and tax on licenses. But the capitation tax shall not exceed $1 per annum for all purposes, either for State, county, or municipal taxes.

SEC. 7. The legislature shall have power to provide for issuing State bonds bearing interest, for securing the debt of the State, and for the erection of State buildings, support of State institutions, and perfecting public works.

SEC. 8. No tax shall be levied upon persons for the benefit of any chartered company of the State, or for paying the interest on any bonds issued by said chartered companies, or by counties, or by corporations, for the above-mentioned purposes.

ARTICLE XIII.

Census and apportionment.

SECTION 1. The legislature shall in the year 1875, and every tenth year thereafter, cause an enumeration to be made of all the inhabitants of the State, and they shall then proceed to apportion the representation among the different counties, giving to each county one representative at large, and one additional to every 1,000 registered voters therein, but no county shall be entitled to more than four representatives.

SEC. 2. The legislature shall, also, after every such enumeration, proceed to fix by law the number of senators which shall constitute the senate of Florida, and which shall never be less than one-fourth, nor more than one-half of the whole number of the assembly. When any senatorial district shall be composed of two or more counties, the counties of which such district consists shall not be entirely separated by any county belonging to another district, and all counties shall remain as now organized unless changed by a two-third vote of both houses of the legislature.

ARTICLE XIV.

Suffrage and eligibility.

SECTION 1. Every male person of the age of twenty-one years and upwards, of whatever race, color, nationality, or previous condition, or who shall at the time of offering to vote be a citizen of the United States, or who shall have declared his intentions to become such in conformity to the laws of the United States, and who shall have resided and had his habitation, domicile, home and place of permanent abode in Florida for one year, and in the county for six months, next preceding the election at which he shall offer to vote, shall in such county be deemed a qualified elector at all elections under this constitution. Every elector shall, at the time of his registration, take and subscribe to the following oath: I, ————, do solemnly swear that I will support, protect and defend the Constitution and government of the United States, and the constitution and government of the State of Florida, against all enemies, foreign or domestic; that I will bear true faith, loyalty and allegiance to the same, any ordinances or resolution of any State convention or legislature to the contrary notwithstanding: so help me God.

SEC. 2. No person under guardianship, non compos mentis or insane, shall be qualified to vote at any election, nor shall any person convicted of felony be qualified to vote at any election unless restored to civil rights.

SEC. 3. At any election at which a citizen or subject of any foreign country shall offer to vote, under the provisions of this constitution, he shall present to the persons lawfully authorized to conduct and supervise such election a duly sealed and certified copy of his declaration of intention; otherwise he shall not be allowed to vote; and any naturalized citizen offering to vote shall produce before said persons lawfully authorized to conduct and supervise the election,

his certificate of naturalization, or a duly sealed and certified copy thereof; otherwise he shall not be permitted to vote.

SEC. 4. The legislature shall have power and shall enact the necessary laws to exclude from every office of honor, power, trust or profit, civil or military, within the State, and from the right of suffrage, all persons convicted of bribery, perjury, larceny, or of infamous crime, or who shall make or send or accept a challenge to fight, or who shall be a second to either party, or be the bearer of such challenge or acceptance; but the legal disability shall not accrue until after trial and conviction by due form of law.

SEC. 5. In all elections by the legislature, the vote shall be viva voce and in all elections by the people, the vote shall be by ballot.

SEC. 6. The legislature at its first session after the ratification of this constitution shall, by law, provide for the registration, by the clerk of the circuit court in each county, of all the legally qualified voters in such county, and for the returns of elections; and shall also provide that after the completion, from time to time, of such registration, no person not duly registered according to law shall be allowed to vote.

SEC. 7. The legislature shall enact laws requiring educational qualifications for electors after the year one thousand eight hundred and eighty, but no such laws shall be made applicable to any elector who may have registered or voted at any election previous thereto.

ARTICLE XV.

Schedule.

SECTION 1. That all ordinances and resolutions heretofore passed by any convention of the people, and all acts and resolutions of the legislature conflicting or inconsistent with the Constitution of the United States and the statutes thereof, and with this constitution, and in derogation of the existence or position of the State as one of the States of the United States of America, are hereby declared null and void, and of no effect.

SEC. 2. That all acts and resolutions of the general assembly, and all official acts of the civil officers of the State, not inconsistent with the provisions of the Constitution and statutes of the United States, or with this constitution, or with any ordinance or resolution adopted by this convention, and which have not been and are not by this constitution annulled, are in force, and shall be considered and esteemed as the laws of the State until such acts or resolutions shall be repealed by the legislature of the State or this convention.

SEC. 3. All laws of the State passed by the so-called general assembly since the 10th day of January, A. D. 1861, not conflicting with the word or spirit of the Constitution and laws of the United States, or with this constitution, shall be valid. All writs, acts, proceedings, judgments, and decrees of the so-called courts of the State, where actual service was made on the defendant; all executions and sales made thereunder, and all acts, orders, and proceedings of the judges of probate, and of executors, administrators, guardians, and trustees, provided they were in conformity with the laws then in force, and did not conflict with the Constitution and laws of the United States and this constitution, shall be valid. The sales of the property or effects of deceased persons shall not prevent the widow from claiming said property in kind, in whosesoever hands the same may be found, when the sale had not been made for the purpose of paying the debts of the deceased, and where other than lawful money of the United States was obtained for said property. Nothing herein contained shall be so construed as to make any one who, as an officer of any court, or who acted under the authority of any court, individually liable, provided they acted strictly in accordance with what was then considered the law

of the State, and not conflicting with the Constitution and laws of the United States. All fines, penalties, forfeitures, obligations, and escheats heretofore accruing to the State of Florida shall continue to accrue to the use of the State. All recognizances heretofore taken shall remain valid, and all bonds executed to the governor of the State of Florida, either before or since the 10th day of January, A. D. 1861, or to any other officer of the State in his official capacity, shall be of full force and virtue for the uses therein respectively expressed, and may be sued for and recovered accordingly, unless they were contrary to the laws of the United States or to this constitution, or to any ordinance or resolution adopted by the convention; also all criminal prosecutions which have arisen may be prosecuted to judgment and execution in the name of the State. All actions at law or suits in chancery, or any proceedings pending in the courts of this State either prior to or subsequent to the 10th day of January, A. D. 1861 shall continue, in all respects, valid, and may be prosecuted to judgment and decree. All judgments and decrees rendered in civil causes in any of the courts of the State during the period of time above specified are hereby declared of full force, validity, and effect: *Provided*, That unless otherwise provided in this constitution the statute of limitation shall not be pleaded upon any claim in the hands of any person for the period of time between the 10th day of January, A. D. 1861, and the 25th day of October, A. D. 1865, whether proceedings of law had been commenced before the 25th day of October, 1865, or not: *Provided, further*, That all claims of widows, minors, and decedents which were not barred by the statutes of this State on the 10th day of January, A. D. 1861, shall be considered good and valid for the period of two years from the ratification of this constitution.

SEC. 4. That State treasury notes, all bonds issued, and all other liabilities contracted by the State of Florida or any county or city thereof, on and after the 10th day of January, A. D. 1861, and before the 25th day of October, A. D. 1865, except such liabilities as may be due to the seminary or school fund, be and are declared null and void, and the legislature shall have no power to provide for the payment of the same or any part thereof; but this shall not be construed so as to invalidate any authorized liabilities of the State, contracted prior to the 10th day of January, A. D. 1861, or subsequent to the 25th day of October, A. D. 1865.

SEC. 5. No money shall ever be appropriated by this State to reimburse purchasers of United States land who purchased the same of the State of Florida.

SEC. 6. All proceedings, decisions, or actions accomplished by civil or military officers acting under authority of the United States subsequent to the 10th day of January, 1861, and prior to the final restoration of the State to the government of the United States, are hereby declared valid, and shall not be subject to adjudication in the courts of this State; nor shall any person acting in the capacity of a soldier or officer of the United States, civil or military, be subject to arrest for any act performed by him, pursuant to authorized instructions from his superior officers during the period of time above designated.

SEC. 7. That in all cases where judgments have been obtained against citizens of the State after the tenth day of January, eighteen hundred and sixty-one, previous to the twenty-fifth day of October, eighteen hundred and sixty-five, and where actual service was not made on the person of any defendant, such defendant not served with process may appear in court within one year after the adoption of this constitution, and make oath that injustice has been done and that he or she has a good and valid defence, stating the defence, and upon making such oath, and filing said defence, the proceedings on the judgment shall cease until the defence is heard.

ARTICLE XVI.

Miscellaneous.

SECTION 1. Any person debarred from holding office in the State of Florida by the third section of the fourteenth article of the proposed amendment to the Constitution of the United States, which is as follows: "No person shall be a senator or representative in Congress, or elector of president, or vice-president, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath as a member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid and comfort to the enemies thereof. But Congress may, by a vote of two-thirds of each house, remove such disability," is hereby debarred from holding office in this State: *Provided,* That whenever such disability from holding office shall be removed from any person by the Congress of the United States, the removal of such disability shall also apply to this State, and such person shall be restored in all respects to the rights of citizenshipas herein provided for electors.

SEC. 2. Any person elected to the Senate of the United States by the legislature of this State, or any person elected by the people, or appointed to office by the governor of the State, or by any officer of the State, under the provisions of the constitution adopted by the convention of the people, convened on the 25th day of October, 1865, shall not be empowered to hold such office after the same position or office shall have been filled by election or appointment under the provisions of this constitution: *Provided,* That all officers holding office under the provisions of the constitution adopted the 25th day of October, A. D. 1865, and not provided for in this constitution, shall continue to hold their respective offices, and discharge the duties thereof, until the governor shall, by his proclamation, declare such offices vacant.

SEC. 3. The several judicial circuits of the circuit courts shall be as follows: The first judicial circuit shall be composed of the counties of Escambia, Santa Rosa, Walton, Holmes, Washington, and Jackson; the second judicial circuit shall be composed of the counties of Gadsden, Liberty, Calhoun, Franklin, Leon, Wakulla, and Jefferson; the third judicial circuit shall be composed of the counties of Madison, Taylor, Lafayette, Hamilton, Suwannee, and Columbia; the fourth judicial circuit shall be composed of the counties of Nassau, Duval, Baker, Bradford, Clay, and St. John's; the fifth judicial circuit shall be composed of the counties of Putnam, Alachua, Levy, Marion, and Sumpter; the sixth judicial circuit shall be composed of the counties of Hernando, Hillsborough, Manatee, Polk, and Monroe; the seventh judicial circuit shall be composed of the counties of Volusia, Brevard, Orange, and Dade.

SEC. 4. The salary of the governor of the State shall be five thousand dollars per annum; that of the chief justice shall be four thousand five hundred dollars; that of each associate justice shall be four thousand dollars; that of each judge of the circuit court shall be three thousand five hundred dollars; that of the lieutenant governor shall be two thousand five hundred dollars; that of each cabinet officer shall be three thousand dollars; the pay of the members of the senate and house of representatives shall be five hundred dollars per annum, and in addition thereto ten cents per mile for each mile travelled from their respective places of residence to the capital, and the same to return; but such distances shall be estimated by the shortest general thoroughfare. All other officers of the State shall be paid by fees, or per diem, fixed by law.

SEC. 5. The legislature shall appropriate two thousand dollars each year for the purchase of such books for the supreme court library as the said court shall direct.

SEC. 6. The salary of each officer shall be payable quarterly, upon his own requisition.

SEC. 7. The tribe of Indians located in the southern portion of the State, and known as the Seminole Indians, shall be entitled to one member in each house of the legislature. Such member shall have all the rights, privileges, and remuneration as other members of the legislature. Such members shall be elected by the members of their tribe, in the manner prescribed for all elections by this constitution. The tribe shall be represented only by a member of the same, and in no case by a white man: *Provided*, That the representative of the Seminole Indians shall not be a bar to the representation of any county by the citizens thereof.

SEC. 8. The legislature may at any time impose such tax on the Indians as it may deem proper; and such imposition of tax shall constitute the Indians citizens, and they shall thenceforward be entitled to all the privileges of other citizens, and thereafter be barred of special representation.

SEC. 9. In addition to other crimes and misdemeanors for which an officer may be impeached and tried, shall be included drunkenness and other dissipations, incompetency, malfeasance in office, gambling, or any conduct detrimental to good morals, shall be considered sufficient cause for impeachment and conviction. Any officer when impeached by the assembly shall be deemed under arrest, and shall be disqualified from performing any of the duties of his office until acquittal by the senate. But any officer so impeached and in arrest may demand his trial by the senate within one year from the date of his impeachment.

SEC. 10. The following shall be the oath of office for each officer in the State, including members of the legislature: "I do solemnly swear that I will support, protect, and defend the Constitution and government of the United States, and of the State of Florida, against all enemies, domestic or foreign, and that I will bear true faith, loyalty, and allegiance to the same, and that I am entitled to hold office under this constitution. That I will well and faithfully perform all the duties of the office of ———, on which I am about to enter: so help me God."

SEC. 11. The legislature may provide for the donation of the public lands to actual settlers. But such donation shall not exceed one hundred and sixty acres of land to any one person.

SEC. 12. All county officers shall hold their respective offices at the county seats of their counties.

SEC. 13. The legislature shall provide for the speedy publication of all statutes and laws of a general nature. All decisions of the supreme court and all laws and judicial decisions shall be free for publication by any person. But no judgment of the supreme court shall take effect and be operative until the opinion of the court in such case shall be filed with the clerk of said court.

SEC. 14. The legislature shall not create any office the term of which shall be longer than four years.

SEC. 15. The governor, cabinet, and supreme court shall keep their offices at the seat of government. But in case of invasion or violent epidemics the governor may direct that the offices of the government shall be removed temporarily to some other place. The session of the legislature may be adjourned for the same cause to some other place; but in such case of removal all the departments of the government shall be removed to one place. But such removal shall not continue longer than the necessity for the same shall continue.

SEC. 16. A plurality of votes given at any election by the people shall constitute a choice, when not otherwise provided by this constitution.

SEC. 17. The term of State officers elected at the first election under this constitution, not otherwise provided for, shall continue until the first Tuesday of January, A. D. 1873, and until the installation of their successors, excepting the members of the legislature.

SEC. 18. Each county and incorporated city shall make provision for the support of its own officers, subject to such regulations as may be prescribed by law. Each county shall make provision for building a court-house and jail, and for keeping the same in good repair.

SEC. 19. If at the meeting of the senate at any session, the lieutenant governor has not been qualified, or is not present, the senate shall elect one of its members as temporary president before proceeding to other business.

SEC. 20. The legislature shall at its first session adopt a seal for the State, and such seal shall be of the size of the American silver dollar. But said seal shall not again be changed after its adoption by the legislature; and the governor shall, by his proclamation, announce that said seal has become the great seal of the State.

SEC. 21. The governor, lieutenant governor, and all the State officers elected by the people shall be installed on the first day of the meeting of the legislature, and immediately assume the duties of their respective offices.

SEC. 22. The governor and lieutenant governor shall have been before their election to office nine years citizens of the United States, and three years citizens of the State. All other officers shall have been one year citizens of the State, and six months citizens of the county from which they are elected or appointed. No person shall be eligible to any office unless he be a registered voter.

SEC. 23. The governor or any State officer is hereby prohibited from giving certificates of election or other credentials to any person as having been elected to the House of Representatives of the United States Congress, or the United States Senate, who has not been two years a citizen of the State, and nine years a citizen of the United States, and a registered voter.

SEC. 24. The property of all corporations, whether heretofore, or hereafter incorporated, shall be subject to taxation, unless such corporation be for religious, educational, or charitable purposes.

SEC. 25. All bills, bonds, notes, or evidences of debt outstanding and unpaid, given for or in consideration of bonds or treasury notes of the so-called Confederate States, or notes and bonds of this State paid and redeemable in the bonds and notes of the Confederate States, are hereby declared null and void, and no action shall be maintained thereon in the courts of this State.

SEC. 26. It shall be the duty of the courts to consider that there is a failure of consideration, and it shall be so held by the courts of this State, upon all deeds or bills of sale given for slaves with covenant or warranty of title or soundness, or both; upon all bonds, notes, or other evidences of debt, given for or in consideration of slaves, which are now outstanding and unpaid, and no action shall be maintained thereon; and all judgments and decrees rendered in any of the courts of this State since the 10th day of January, A. D., 1861, upon all deeds or bills of sale, or upon any bond, bill, note, or other evidence of debt based upon the sale or purchase of slaves, are hereby declared set aside, and the plea of failure of consideration shall be held a good defence in all actions to said suit; and when money was due previous to the 10th day of January, 1861, and slaves were given in consideration for such money, there shall be deemed a failure of consideration for the debt: *Provided*, That settlements and compromises made by the parties thereto shall be respected.

SEC. 27. All persons who as alien enemies under the sequestration act of the so-called confederate Congress, and now resident of the State, had property sequestered and sold by any person acting under a law of the so-called Confederate States, or the State of Florida, subsequent to the 10th day of January, A. D., 1861, and prior to the 1st day of May, 1865, shall be empowered to file a bill in equity in the circuit court of the State, and shall be entitled to obtain judgment against the State for all damages sustained by said sale and detention of property. The court shall estimate the damages upon the assessed valuation

of the property in question in the year A. D., 1860, with interest at six per cent. from the time the owner was deprived of the same. But all judgments against the State shall be paid only in certificates of in debtedness redeemable in State lands. Said certificates shall be issued by the governor, countersigned by the secretary of State and by the comptroller upon the decree of the court. Oral testimony shall be sufficient to establish a sale having been made.

SEC. 28. There shall be no civil or political distinction in this State on account of race, color, or previous condition of servitude, and the legislature shall have no power to prohibit by law any class of persons on account of race, color, or previous condition of servitude, to vote or hold any office, beyond the conditions prescribed by this constitution.

SEC. 29. The apportionment for the assembly shall be as follows: Escambia, two; Santa Rosa, one; Walton, one; Holmes, one; Washington, one; Jackson, three; Calhoun, one; Gadsden, two; Franklin, one; Liberty, one; Wakulla, one; Leon, four; Jefferson, three; Madison, two; Taylor, one; Hamilton, one; Suwannee, one; Lafayette, one; Alachua, two; Columbia, two; Baker, one; Bradford, one; Nassau, one; Duval, two; Clay, one; St. John's, one; Putnam, one; Marion, two; Levy, one; Volusia, one; Orange, one; Brevard, one; Dade, one; Hillsborough, one; Hernando, one; Sumpter, one; Polk, one; Manatee, one; and Monroe, one. There shall be twenty-four senatorial districts, which shall be as follows, and shall be known by their respective numbers from one to twenty-four inclusive. The first senatorial district shall be composed of Escambia county, the second of Santa Rosa and Walton, the third of Jackson, the fourth of Holmes and Washington, the fifth of Calhoun and Franklin, the sixth of Gadsden, the seventh of Liberty and Wakulla, the eighth of Leon, the ninth of Jefferson, the tenth of Madison, the eleventh of Hamilton and Suwannee, the twelfth of Lafayette and Taylor, the thirteenth of Alachua and Levy, the fourteenth of Columbia, the fifteenth of Bradford and Clay, the sixteenth of Baker and Nassau, the seventeenth of St. John's and Putnam, the eighteenth of Duval, the nineteenth of Marion, the twentieth of Volusia and Orange, the twenty-first of Dade and Brevard, the twenty-second of Hilisborough and Hernando, the twenty-third of Sumpter, and Polk, the twenty-fourth of Manatee and Monroe, and each senatorial district shall be entitled to one senator.

SEC. 30. No person shall ever be appointed a judge of the supreme or circuit court who is not twenty-five years of age and a practicing attorney in this State.

SEC. 31. The legislature shall as soon as convenient adopt a State emblem, having the design of the great seal of the State impressed upon a white ground of six feet six inches fly and six feet deep.

ARTICLE XVII.

Amendments.

SECTION 1. Any amendment or amendments to this constitution may be proposed in either branch of the legislature, and if the same shall be agreed upon by a two-thirds vote of all the members elected to each of the two houses, such proposed amendment or amendments shall be entered on their respective journals, with the yeas and nays thereon, and referred to the legislature then next to be chosen, and shall be published for three months next preceding the time of making such choice, and if, in the legislature next chosen as aforesaid, such proposed amendment or amendments shall be agreed to by a two-thirds vote of all the members elected to each house, then it shall be the duty of the legislature to submit such proposed amendment or amendments to the people in such manner and at such time as the legislature may prescribe, and if the people shall

approve and ratify such amendment or amendments by a majority of the electors qualified to vote for members of the legislature voting thereon, such amendment or amendments shall become a part of the constitution.

SEC. 2. If at any time the legislature, by a vote of a majority of all the members elected to each of the two houses, shall determine that it is necessary to cause a revision of this entire constitution, such determination shall be entered on their respective journals, with the yeas and nays thereon, and referred to the legislature then next to be chosen, and shall be published for three months next preceding the time of making such choice. And if in the legislature next chosen aforesaid such proposed revision shall be agreed by a majority of all the members elected to each house, then it shall be the duty of the legislature to recommend to the electors of the next election for members of the legislature to vote for or against a convention; and if it shall appear that a majority of the electors voting at such election shall have voted in favor of calling a convention, the legislature shall, at its next session, provide by law for a convention to be holden within six months after the passage of such law, and such convention shall consist of a number of members not less than both branches of the legislature. In determining what is a majority of the electors voting at such election, reference shall be had to the highest number of votes cast at such election for the candidates for any office or on any question.

Done in open convention. In witness whereof, we, the undersigned delegates, representing the people of Florida, in convention assembled, do hereunto affix our names this the twenty-fifth day of February, anno Domini one thousand eight hundred and sixty-eight, and of the independence of the United States the ninety-second, and the secretary doth countersign the same.

HORATIO JENKINS, JR., *President.*
S. CONANT, *Secretary.*

Countersigned by—

George J. Alden.	Roland T. Rombauer.
Lyman W. Rowley.	Major Johnson.
J. W. Butler.	William R. Cone.
John L. Campbell.	Thomas Urquhart.
W. J. Purman.	Andrew Shuler.
L. C. Armistead.	J. N. Krimminger.
E. Fortune.	William K. Cessna.
H. Bryan.	Josiah T. Walls.
M. L. Stearns.	S. B. Conover.
J. E. A. Davidson.	Auburn Erwin.
Frederick Hill.	B. McRae.
J. W. Childs.	A. B. Hart.
T. W. Osborn.	N. C. Dennett.
Joseph E. Oats.	William Bradwell.
Richard Wells.	J. C. Gibbs.
Green Davidson.	J. H. Goss.
O. B. Armstrong.	A. Chandler.
John Wyatt.	W. Rogers.
John W. Powell.	Samuel J. Pearce.
Robert Meacham.	C. R. Mobley.
Anthony Mills.	David Mizell.
A. G. Bass.	E. L. Ware.

I, Sherman Conant, secretary of the said convention, do hereby certify that the foregoing is a true copy of the constitution adopted on the 25th day of February, A. D. 1868.

SHERMAN CONANT, *Secretary.*

O

40TH CONGRESS, 2d Session. } HOUSE OF REPRESENTATIVES. { Ex. Doc. No. 298.

HAYTI.

MESSAGE

FROM THE

PRESIDENT OF THE UNITED STATES,

TRANSMITTING,

In answer to a resolution of the House of the 26th instant, a communication from the Secretary of the Navy relative to a naval force at Hayti.

MAY 30, 1868.—Referred to the Committee on Foreign Affairs and ordered to be printed.

To the House of Representatives:

I transmit herewith a letter from the Secretary of the Navy, in reply to the resolution of the House of Representatives adopted on the 26th instant, making inquiries relative to a naval force at Hayti.

ANDREW JOHNSON.

WASHINGTON, *May* 29, 1868.

NAVY DEPARTMENT, *May* 29, 1868.

SIR: I have the honor to acknowledge the receipt of the following resolution of the House of Representatives, adopted on the 26th instant, on motion of Mr. Chanler, and referred to me for report:

Resolved, That the President be, and hereby is, requested to inform this house why a competent naval force was not cruising in the neighborhood of Port-au-Prince, Hayti, to protect the flag of the United States from insult, and our citizens from the outrages committed against them by the government of Hayti, in the last revolution reported by telegraph as having taken place there.

No information has been received at this department of insult to our flag, or of outrages committed on our citizens in Hayti, although political disturbances and revolutions are of frequent occurrence in that quarter. Despatches from our consuls and others represent the condition of affairs there at this time in an unsettled state. Copies of these communications have been, from time to time, as they were received, transmitted to Admiral Hoff, who is in command of the North Atlantic squadron, and who at our last advices, on the 12th instant, was at St. Thomas, calling his attention to the subject. That officer, and the naval officers in that part of the West Indies, will not be wanting in vigilance or their duty to protect our flag and our commerce with such force as is placed at their disposal.

Hayti is within the limits of the North Atlantic squadron, which embraces the West India islands and the entire eastern coast of America north of the

equator. There are now in this squadron six cruising vessels. Of these, it is intended that one at least shall be at all times at Aspinwall or its vicinity, for the protection of American interests at that point. Six is as large a proportion of the vessels in commission as can justly be assigned to this squadron, and it will be proper to add that, if the clause in the naval appropriation bill as passed the House of Representatives, reducing the authorized number of men, becomes a law, even this force may have to be reduced.

Besides a vessel at Aspinwall, the presence of naval vessels is often required at Vera Cruz or elsewhere on the Mexican coast, at Venezuela, St. Thomas, and other islands in the West Indies, as well as at St. Domingo. It is usual to have one or more vessels on the banks or in the gulf of St. Lawrence during the fishing season, and a proposition is now before Congress for a larger naval force in that quarter. It will readily be seen, therefore, that to afford protection to American interests throughout the limits of the squadron the vessels must be almost constantly passing from one point to another. Difficulties are perhaps more likely to occur during the absence of a man-of-war than during her presence in any port, and communication with cruising vessels cannot always be readily made; but upon the receipt of intelligence of a revolution at any point, it is usual for the admiral in command to order one or more vessels to repair to the scene of disturbance. To have vessels constantly at all points in anticipation of difficulties would require a very much larger force than the limited number of men authorized by Congress will allow.

I am not aware that St. Domingo has been neglected by our vessels. The United States steamship Saco was there during the latter part of March, and the De Soto was at Port-au-Prince on the 18th of May.

It is but just to the rear-admiral commanding the squadron to say, that early in May he applied for three additional vessels, but the department has been obliged to inform him that, in view of the action of Congress, as already indicated, they cannot be furnished him, and that his present force may have to be reduced. Should it become necessary to send vessels to the northeastern coast, (within the limits of this squadron,) for the protection of the fishing interests, but two or three vessels can be left in that part of the squadron embracing the entire West India islands, the Gulf of Mexico, and the Spanish Main, for the protection of our extended commerce in that quarter, which is often greatly exposed in consequence of the unsettled condition of public affairs.

Very respectfully,

GIDEON WELLES,
Secretary of the Navy.

The PRESIDENT.

40TH CONGRESS, 2d Session. } HOUSE OF REPRESENTATIVES. { Ex. Doc. No. 299.

REPORT OF COMMISSIONER OF EDUCATION.

LETTER

FROM

THE COMMISSIONER OF EDUCATION,

TRANSMITTING,

In compliance with the act of March 2, 1867, his annual report.

JUNE 2, 1868.—Referred to the Committee on Education and ordered to be printed.

DEPARTMENT OF EDUCATION,
Washington, D. C., May 30, 1868.

SIR: I have the honor to submit herewith to the House of Representatives the report required of the Commissioner of Education by an act to establish the Department of Education, approved March 2, 1867.

Very respectfully, your obedient servant,

HENRY BARNARD,
Commissioner.

Hon. SCHUYLER COLFAX,
Speaker of the House of Representatives.

REPORT OF THE COMMISSIONER OF EDUCATION.

DEPARTMENT OF EDUCATION,
Washington, D. C., March 15, 1868.

At the close of the first year since he received from the President of the United States authority to organize and administer the affairs of this department, the Commissioner of Education has the honor to submit his first or preliminary report, "embodying the results of his investigations and labors, together with a statement of such facts and recommendations as will, in his judgment, subserve the purpose for which this department is established," as is provided for in the following act, approved March 2, 1867:

AN ACT to establish a Department of Education.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there shall be established, at the city of Washington, a Department of Education, for the purpose of collecting such statistics and facts as shall show the condition and progress of education in the several States and Territories, and of diffusing such information respecting the organization and management of school systems and methods of teaching as shall aid the people of the United States in the establishment and maintenance of efficient school systems, and otherwise promote the cause of education throughout the country.

SEC. 2. *And be it further enacted*, That there shall be appointed by the President, by and with the advice and consent of the Senate, a Commissioner of Education, who shall be intrusted with the management of the department herein established, and who shall receive a salary of four thousand dollars per annum, and who shall have authority to appoint one chief clerk of his department, who shall receive a salary of two thousand dollars per annum, one clerk who shall receive a salary of eighteen hundred dollars per annum, and one clerk who shall receive a salary of sixteen hundred dollars per annum, which said clerks shall be subject to the appointing and removing power of the Commissioner of Education.

SEC. 3. *And be it further enacted*, That it shall be the duty of the Commissioner of Education to present annually to Congress a report embodying the results of his investigations and labors, together with a statement of such facts and recommendations as will, in his judgment, subserve the purpose for which this department is established. In the first report made by the Commissioner of Education under this act, there shall be presented a statement of the several grants of land made by Congress to promote education, and the manner in which these several trusts have been managed, the amount of funds arising therefrom, and the annual proceeds of the same, as far as the same can be determined.

SEC. 4. *And be it further enacted*, That the Commissioner of Public Buildings is hereby authorized and directed to furnish proper offices for the use of the department herein established.

Approved March 2, 1867.

After consulting State and city superintendents of public schools, and other friends of education who had taken an active interest in the establishment of the department, so far as they could be reached by letters or call within the first month, a general plan of operations was formed, the rooms furnished by the Commissioner of Public Buildings were occupied, the three clerks provided for were appointed, and about the middle of April the special work assigned to the department was begun.

The general and special work of this department, as defined in the act of March 2, 1867, are—

First. "To collect such statistics and facts as shall show the condition and progress of education in the several States and Territories;" and

Second. "To diffuse said information respecting the organization and management of schools and school systems, and methods of teaching, as shall aid the people of the United States in the establishment and maintenance of efficient school systems, and otherwise promote the cause of education throughout the country.

Third. Besides giving his attention to these general subjects, the Commissioner is directed to present in his first report to Congress "a statement of the several grants of land made by Congress to promote education, the manner in which these several trusts have been managed, the amount of funds arising therefrom, and the annual proceeds of the same, as far as the same can be determined."

Fourth. By a joint resolution, approved March 29, 1867, the Commissioner is further directed to ascertain the condition of the public schools in the District of Columbia, and submit a report on the relative efficiency of the system now in force, and on such additional legislation as he may deem necessary to secure the advantages of said system to all the children of the District.

The magnitude and delicacy of the work assigned to this department, both in the general and the specific provisions above recited, are such as to compel the Commissioner to invoke in advance a charitable judgment on any apparent deficiency in his plans, or in any delay in reaching or in making public the results of his first year's labors. None, save those who have had personal experience in this field of labor, can appreciate fully the difficulty of obtaining complete statistics, or even general information, of the organization and operation of systems and institutions located in 46 different States and Territories occupying half of the American continent—these systems, where they do exist, differing from each other in organization, management, and returns; and these institutions, whether in or out of the general system of the State, differing from each other in all the great centres of population. This difficulty of obtaining precise and uniform statistics, not inconsiderable even where there is legal

authority for requiring the information, and forfeiture of some kind or pecuniary advantoge is attached to withholding or giving the same, becomes almost insuperable, when, as with this department, there is no organic connection with systems or institutions in the several States; no authority to require, no pecuniary advantage for furnishing, no forfeiture for declining or neglecting to furnish the information sought, and no means to supply the deficiency of written returns by personal inspection. If a comprehensive and exhaustive inquiry, on some general plan, was instituted every year in each State, into its educational condition and progress, including institutions of every kind and grade, a compilation and comparative view of the results would be very easy and satisfactory; and it is hoped that one of the results of the labors and publications of this department, and of the annual conferences of State and city superintendents already inaugurated, will be the adoption of some uniform plan of gathering annually the statistics of schools of every kind, both in States and in all large cities. At the present time there are no two States or cities in which the statistical returns, as published, include the same particulars, or between which a rigid comparison as to schools can be instituted. In more than one-half of the States the returns are so incomplete as to institutions, or omit so many vital points in the condition of the schools returned, as to be worthless as indications of the real work attempted, or done, in individual schools, or by all the schools of the State. In nearly all of the States no attempt is made to secure inspection or returns of private, denominational, or incorporated institutions; in nearly one-half of the States no efficient system of public schools is in operation, and no sufficient number of good private or denominational schools exists; and of those which have a precarious existence, not even their locality or the name of the teachers and the number of pupils are known to any public officer; and, with a single exception, no efficient measures are enforced by State or municipal regulations as to the non-attendance of children at some school, public or private, to stop the growth of absolute illiteracy, or diminish, by evening and adult schools, the still larger amount of practical ignorance of letters and books which abounds even in States where the most attention is paid to education. It is only when a searching inquiry is instituted by the national census, or under State or municipal authority in the same form, or by societies and individuals in restricted portions of large cities for some ecclesiastical purpose, or the antecedents of the victims of vice, pauperism, and crime are investigated, that the amazing deficiencies in our systems, means, and methods of universal education appear. The startling and humiliating statistics of the national census of 1840, 1850, and 1860, as to the number of the white adult population unable to read and write in certain States, and for the whole country, will be found in official circular No. XIII.

In the present condition of the educational statistics of each State, and in the full occupation of the clerical force at his command in other directions hereinafter set forth, the Commissioner has not attempted, beyond the statistics of public schools in the principal cities of the country, in reference to the practical efficiency of the systems in operation in the District of Columbia, to exhibit by any statistical summary the condition and progress of education in the several States and Territories. If he has been reasonably successful in indicating the method by which a national agency, like this department, can obtain a record of the educational systems and institutions of the several States, and put himself into communication with their managers and teachers; can throw light on the deficiencies as well as excellencies of our systems, and impart greater activity to all the agencies which determine the education of a people; can contribute in the experience of States, systems, and institutions, and in the views of eminent teachers and educators, the material for a thorough discussion and wise solution of educational problems—he has done all that he has thus far attempted, or that could be reasonably expected. Should it be his privilege to continue the investigations already instituted, should he be authorized to get, by per-

sonal inspection, the material for a comparative view of the same class of institutions in different States, he believes that in a subsequent report he can submit, with a comprehensive view of the organization and operations of systems and institutions, such reliable facts and statistics, and the generalizations authorized by the same, "as shall show the condition and progress of education in the several States and Territories," shall aid the people in those States in which, for the first time, systems of public schools are established, "and otherwise promote the cause of education throughout the country."

I.—*Plan of operations for* 1867–'68.

The first step taken was to make known the provisions of the act by which, and the avowed purpose for which, the department was established, and at the same time to map out the field of inquiry into which the Commissioner was about to enter, specifying the subjects on which facts, information, and suggestions were desired, and the portions of the field which had been already partially explored by him, as well as the subjects which had been, to some extent, discussed by prominent teachers and educators, and on which valuable information could be given, and indicating at least the sources of such information. (*Official Circulars I and II.*)

SCHEDULE OF INFORMATION SOUGHT.

1.—*General view of Systems, Institutions, and Agencies of Education.*

A. General condition (of district, village city, county, State.)
(Territorial extent, municipal organization, population, valuation, receipts, and expenditures for all public purposes.)
B. System of public instruction.
C. Incorporated institutions and other schools and agencies of education.

2.—*Details.*

1. Elementary or primary education. (Public, private, and denominational; and for boys or girls.)
2. Academic or secondary education. (Institutions mainly devoted to studies not taught in the elementary schools, and to preparation for college or special schools.)
3. Collegiate or superior education. (Institutions entitled by law to grant the degree of Bachelor of Arts or Science.)
4. Professional, special, or class education. (Institutions having special studies and training, such as—1. Theology. 2. Law. 3. Medicine. 4. Teaching. 5. Agriculture. 6. Architecture, (design and construction.) 7. Technology—polytechnic. 8. Engineering, (civil or mechanical.) 9. War, (on land or sea.) 10. Business or trade. 11. Navigation. 12. Mining and metallurgy. 13. Drawing and painting. 14. Music. 15. Deaf-mutes. 16. Blind. 17. Idiotic. 18. Juvenile offenders. 19. Orphans. 20. Girls. 21. Colored or freedmen. 22. Manual or industrial. 23. Not specified above—such as chemistry and its applications; modern languages; natural history and geology; steam and its applications; pharmacy; veterinary surgery, &c.)
5. Supplementary education. 1. Sunday and mission schools. 2. Apprentice schools. 3. Evening schools. 4. Courses of lectures. 5. Lyceums for debates. 6. Reading rooms, periodicals. 7. Libraries of reference or circulation. 8. Gymnasiums, boat and ball clubs, and other athletic exercises. 9. Public gardens, parks, and concerts. 10. Not specified above.
6. Societies, institutes, museums, cabinets, and galleries for the advancement of Education, science, literature, and the arts.
7. Educational and other periodicals.
8. School funds and educational benefactions.
9. Legislation (State or municipal) respecting education.
10. School architecture.
11. Penal and charitable institutions.
12. Churches, and other agencies of religious instruction.
13. Reports and other publications on schools and education.
14. Memoirs of teachers and promoters of education.
15. Examinations (competitive or otherwise) for admission to national or State schools, or to public service of any kind.

The main objects aimed at by this schedule are, (1) to show, in the national aggregate, the magnitude of this great interest of education; the number and variety of institutions and agencies which are at work in every neighborhood, municipal organization, and State; to determine not only the formal instruction and training of children and youth, but to affect the health, opinions, and habits, intellectual, moral, and political, of every member of a community; (2) to ascertain the name, residence, and special work of every person in the administration, instruction, and management of institutions and agencies of education, as material, with the official school documents of a State, to exhibit their condition and progress, and as the basis of a register; which shall be to this branch of the State social service what the army and navy register is to those specially organized departments of the national service; and (3) to find among the many thousands engaged as officers or teachers the correspondents who, from a heartfelt interest and a life consecration to the work, will gladly furnish, from time to time, desired information, contribute to the discussion of educational problems, and disseminate among those who would profit by their consultation or perusal in the preparation of addresses and reports, such documents and statistics as shall be issued by the department for the advancement of any branch of the subject.

A brief explanation of the details of the schedule will show the direction and method of the labors of this department. As the ground of a proper understanding and use of the returns made, it is deemed essential to know the conditions of the community from which they come, or to which they refer; (*Schedule A*) the territorial extent, the number, occupation, and pecuniary condition of the people; the municipal organization, valuation, and public expenditures, as well as other particulars of the locality. Many of our State systems of public instruction are defective in not admitting, under regulation of a State board or superintendent, of adaptations in administration, to the peculiar circumstances of a city or a sparsely-populated district, to a longer or shorter experience in public schools, and to the introduction or omission of certain studies, according to the occupations of the people. While the public school in cities admits of expansion so as to embrace nearly the whole range of secondary instruction, in the rural districts it must be restricted to a few fundamental branches, and must have within itself a certain completeness, although restricted to a few subjects and to one teacher; and the branches taught and the methods must contain the elements and instruments of self-culture, because a majority of the pupils will attend no other school, and their progress in mental development and self-formation will depend on the thoroughness and vividness with which they are taught in these elementary and intermittent schools. In such schools, scattered over the most sterile portions of every country, with the favoring circumstances of good homes, simple manners, healthy occupation, and a wise use of small advantages, have been trained, or at least started in their career of mental discipline and acquisition, a larger proportion, not only of useful business men, but of statesmen, scholars, and professional men, than in the same number of city schools, enjoying every advantage of scientific classification, prolonged sessions, and well qualified teachers.

Before coming to a just understanding and an intelligent discussion of particular institutions, the Commissioner deems it advisable to know something of the system to which they belong, as well as of the history and condition of existing legislation, both State and municipal, on the subject, as well as the habits of the people in this regard. (*Schedule B, C.*) It is much easier to bring a majority of the legal voters of any town or city to provide liberally for public schools, in States which have by force of law and habit recognized the high school as part of its system of public instruction; and on the other hand, the practice of incorporating and endowing, by public or private liberality, special institutions, under the name of academies and seminaries, will account for the multiplication of this class of institutions and the slow introduction of pub-

lic schools of the same grade. The extent to which different religious societies provide schools for the children of their several connections, is an important element in the existing means of education in any community, and will determine in no small measure the direction in which improvements can be made. Having gained a full understanding of the general condition of society and education in any community, we can justly appreciate the information given respecting the schools of that locality, be it large or small. In giving the results of this information, and in any suggestions which the Commissioner may make, founded on the same, the following classification, substantially, will be adopted:

1. *Elementary schools.*—By elementary education—(we use the words education and instruction here to express the aim and results of the same process, although whether regarded as expressing either process or result, the means or the end, the words have a widely different meaning)—is understood that formal instruction, first in point of time, simple in quality, small it may be in amount, but the most important in reference to mental habits and future progress, which can be given in schools open to all children. On the number and character of these schools, whether public, private, or denominational, more than on any other grade of schools, no matter how organized or conducted, depends the successful solution of the problem of universal education. Its solution has been attempted in past times, as well as in the present—and never so strenuously and so universally in all countries, as at this very time—and in a variety of ways: (1) by the State; (2) by the church; (3) by the State and church; (4) by the State, church, and parents; (5) by parents, with or without the aid of legal association and governmental grants, and with and without the powerful co-operation of religious bodies; and (6) by the State as a whole, acting with the people in their municipal organizations, by which the school is brought near to parents and maintained in sympathy with their wishes, yet subjected to State inspection, and sustained out of the common property of the whole community. In no country, by any of these systems or modes, has education, even in its lowest elementary form, been made universal; in no country has this State interest and parental duty, this civil and religious obligation, been fully met. How far, and by what systems and agencies, the several States are engaged or have succeeded in the solution of this great and difficult problem, the Commissioner is gathering the material to show, as well as to aid, so far as making known the experience of the most advanced communities, and the suggestions of the most eminent educators at home and abroad, can do so. There is much of encouragement in the liberality and popular favor with which the public school system, which is distinctively American—that in which State and municipal authority are both recognized, and the wishes of parents, so far as is consistent with a general system, respected—is sustained. There is ground of congratulation that religious societies which withhold their sympathy from the public system, and in some cases denounce it, succeed so well in enlisting parental contributions to support denominational schools. But the statistics of school attendance in all the great centres of population in every State—and nowhere more clearly than in this District, as is shown in the special report from this department—prove that the problem of universal elementary education is not yet satisfactorily solved in this country under the combined operation of public, denominational, incorporated, and private schools. In several States the work is yet to be begun by imperative constitutional ordinance; in others by the adoption of an efficient school system; and in all, by securing a better attendance of children of the proper school age, the more permanent employment of qualified teachers, and the thorough inspection and fullest publicity of the working of the system of public schools and other means of popular education.

2. *Secondary schools.*—Under the heading of secondary schools, the Commissioner desires to obtain information respecting that class of institutions generally known as academies, seminaries, and high schools, in which the work of

formal instruction is taken up at the point where it is left by the elementary school, and carried on with a double purpose, viz: (1) a general educational discipline, with special attention to studies which are preparatory to the next highest grade of our American system—the college, in some of its forms; or (2) the same discipline with special attention to certain studies, considered of practical importance to the ordinary business into which a large majority of the pupils of these institutions enter on graduation. Although, historically, the first established, and found in every State under some name, and of the highest importance in reference to the schools below and above them, there is less system (except in the public high school) in the establishment, management, and instruction of institutions of this class than in any other. Left now to the proselyting zeal and rivalry of each denomination, or to the real or fancied wants of a few families, they are started in too near proximity, without endowments, and without a definite educational purpose, frequently in antagonism and to the injury of the public school, and without sufficient reference either to the schools above or to the pursuits of the community. The whole subject of secondary education, its institutions, studies, and methods, needs investigation and discussion; and to the material already gathered, or which may be contributed, the Commissioner is prepared to show how the problems of organization, management, studies, teachers, and inspection are solved in other countries, where the subject has received more attention than either elementary or superior instruction.

3. *Colleges or superior schools.*—Under the head of colleges the Commissioner includes all institutions of a superior grade which have been empowered by the State to confer the usual academic degrees of bachelor and master in the liberal arts or studies, and whose course of general mental discipline and instruction, though superior to the secondary schools, does not include special professional teaching and training. The needs of society have called this class of institutions into existence in every country and in every age, but with us their real or supposed connection with religious and local interests have multiplied them beyond any demand for higher scholarship, and, it is feared, not only to the injury of each other, but to the great detriment of the very highest culture, which is only possible under the concentration, in a few centres of a large extent of country, of a numerous body of learned and eloquent men, representing all the great departments of literature, science, and art, aided by cabinets, libraries, laboratories, and other means of original and exhaustive investigation and demonstration But, whatever the facts may be, he is engaged in ascertaining their number in each State, the circumstances of their origin, the conditions of admission, courses of study, equipment of libraries and material aids of instruction, their students, professorships, graduates, and endowments, what they profess and what they really accomplish, as well as their relation to the schools below and to the professional and special schools of the country. To this knowledge of the condition of superior education in the different States contributions will be made of information respecting similar institutions in other countries, which have done so much for the advancement of literature, science, and civilization generally. Although most of them are the growth of ages, under conditions quite different in many respects from ours, a knowledge of the constitution, endowments, curriculum, and lectures of the universities of Oxford, Cambridge and London, of Edinburgh and Dublin, of Germany, France and Holland, and of changes proposed and advocated in them, cannot but aid the intelligent discussion of the whole subject of college and university education among ourselves.

4. *Professional and special schools.*—The obvious needs of society have led to the establishment of various institutions for professional and special education, such as schools of theology, law, medicine, teaching; of agriculture, manufactures, engineering, mining, and the like; also for certain classes of persons whose

instruction cannot be as well provided for in a general system, such as the deaf, the blind, juvenile offenders, orphans, &c. All the statistics and facts going to show the number condition, and efficiency of this class of schools, have been called for; and those which relate to schools for teachers, and colleges of agriculture and mechanic arts, have been collected, edited, and made ready for publication in such way as Congress may authorize.

5. *Supplementary schools and agencies.*—Besides the formal instruction given by institutions for elementary, secondary, collegiate, professional, and special schools, there are other institutions and agencies which in the aggregate influence very largely the education of the national mind and character. These have been grouped under the head of supplementary education—such as Sunday schools, mission schools, and other special religious schools under the control of particular denominations; evening schools for the adult as well as the young; associations for lectures, debates, &c.; libraries of reference and circulation; gymnasiums and clubs for athletic exercises and sports; galleries of art and science; public grounds for popular health and recreation. On all these topics inquiries have been instituted.

6. *Societies for the advancement of education, science, literature, and the arts.*—Passing beyond the institutions already mentioned for the development and discipline of the mind by the communication of existing knowledge, the department has extended its inquiries to those whose special aim is the enlargement of knowledge by new contributions, and new discoveries in science, art, &c.

7. *The press.*—The object here had in view is not only to ascertain the number, particular objects, and circulation of special educational journals and periodicals, but also the number and circulation of all the periodicals published in every State throughout the country. This is done on the ground that the press of the country is one of the most powerful among the educational agencies by which the character of the nation is acted upon, and on which this department must rely for the dissemination of information as to the actual condition of schools, and the discussion of questions affecting their improvement.

8. *School funds and educational endowments.*—With the extension of the population of the country into its vast western domain, the national government has not only provided for the territorial development of the new States, but more munificently, and with more of a parental providence than any government has ever done, for the growing educational and social needs of the people. Many States have likewise established funds for school purposes, besides making, from time to time, liberal grants to particular institutions, which have funded the same for the benefit of successive generations. To individual beneficence does the country owe the foundation and development of nearly all its higher institutions; and the aggregate amount of such donations and bequests, it is estimated, exceeds a hundred millions of dollars. To ascertain the amount and object of all these funds and endowments, the manner in which the capital is secured, and the annual income is applied, and draw practical lessons for future guidance, the department has instituted the most comprehensive inquiries.

9. *Legislation with respect to schools.*—From the mode in which the attempt to solve the problem of popular education in this country has been made, namely, by national and State, by municipal and associated action, a vast amount of legislation has been rendered necessary, a history and digest of which constitutes an important part of the investigations now in progress, with a view of making the experience of each available to the benefit of all. To ascertain and note the changes in this legislation will of course constitute an important feature in the annual work and reports of the department.

10. *School architecture.*—The immense amount expended in the construction and equipment of buildings for educational purposes, amounting to fifty millions within the last ten years, and the great importance of a wise expenditure of the still larger sum that will be necessary in the coming ten years, with refer-

ence to the health and successful labor of both pupils and teachers, (numbering each year probably not less than four millions of persons,) makes a comprehensive investigation into the condition and needs of this department of architecture a matter of the first importance.

11. *Charitable, reformatory, and penal institutions.*—Independent of the regular system of education, and growing to a considerable extent out of the neglect, defect, or perversion of a good early training, is a class of institutions whose establishment and support devolves a heavy expense upon the community, and renders an inquiry into their statistics and working very important in a pecuniary, educational, or moral point of view.

With all our State, municipal, and voluntary efforts for education, both secular and religious, there is an immense amount of absolute illiteracy, and of corrupting influences growing out of parental neglect and vice. The diminution of this illiteracy, vice, and crime, has not kept pace with our increased means of education, and the many undoubted improvements in the systems of instruction. In this connection properly comes the inquiry how far anything has been done by public authority for the enforcement of the duty of parents to send their children to some schools, public or private, and how far the right of suffrage is denied to persons thus uneducated, or forfeited by the parents or guardians who neglect their duty in this regard.

12. *Churches and other means of religious instruction.*—With a view to meeting the objection made in some quarters against our systems of public education, viz., that they contain no sufficient provision for imparting religious instruction, it has been thought fit to institute inquiries into the means of religious instruction existing in our country, additional to the general religious instruction and moral influences of the public schools, and it is believed the result will show that the amount of salutary religious instruction actually received by the young in our country in the schools and at home, and from special religious institutions, though of course capable of great increase, is not inferior to that in countries where religious instruction is enforced by the State.

13. *School Documents.*—As a contribution to the library of the department, and as the basis of a system of distribution as well as of exchange of official documents, copies of all reports and other publications issued by State and municipal authority and by institutions have been requested, and the inquiry made, of superintendents and schoolmen generally, how far they are disposed to come into such a system, conducted without expense to the parties after the documents have reached this office. The documents are important to the department; an analysis of the suggestions made, and a summary of the statistics contained in them will form an important part of the monthly circulars, as well as constitute much of the authority for the generalization of the annual reports of the Commissioner.

14. *Memoirs of teachers and benefactors of education.*—Among the noblest benefactors of their race are to be numbered those men who have founded institutions of good learning or devoted their lives to the vocation of teaching, especially in public schools; and the country which fails to do honor to the memory of such benefactors exposes itself to the charge of ingratitude, and withholds a powerful encouragement to the continued succession of such services To preserve the memory of such men and women as have devoted themselves or their means to these objects, materials for a record in some appropriate document of this department have been solicited.

15. *Open competitive examinations.*—Believing that government—State, national, and municipal—can in no other way so well promote the cause of sound education and efficient official service, as by opening the career of public employments within its gift to such persons only as shall present an authorized diploma of school attendance, and evince, in an open competitive examination, the possession of the requisite qualifications, an inquiry has been made how far

a provision exists in any of the States for such diploma or examination with reference to employment in its service of any kind, or for nomination for admission to our national military and naval schools.

On all these and other related topics the results of inquiries carried on by the Commissioner for the last 15 years will be made available without cost to the department; and if supplemented by prompt and hearty co-operation on the part of school officers and friends of education in the different States, a body of information, facts, and suggestions will be formed, such as cannot elsewhere be found, the importance of which, in their bearing on the development of our educational systems and agencies, can scarcely be overestimated.

MODE OF OBTAINING INFORMATION.

1. The main reliance for full and authentic information respecting public institutions must be the annual reports and special replies of officers charged with their administration, supplemented for purposes of comparison and generalization by opportunities of personal visitation and conference by the Commissioner, or inspectors selected with special reference to their knowledge and experience of the subject on which information is sought. From superintendents, both State and municipal, from presidents of institutions, and professors devoted to special branches, the most cordial co-operation has been promised, and the strongest desire expressed to give the fullest publicity to the aims, means, methods, and results of their work, and to obtain an account of similar work done by others.

2. The annual meetings of national societies devoted to general or special educational objects, and similar meetings of State teachers' associations, as well as occasional conferences of persons interested in particular allotments of the great field of popular education, afford important opportunities of making inquiries widely and in a short time, and of meeting individuals who have devoted years to the investigation of subjects under consideration. Several of these meetings the Commissioner has attended, having been specially invited, and every opportunity of communicating with them opened.

3. From a long connection with the administration of systems of public instruction, and frequent personal visits to different States and countries for the inspection of schools, an extensive correspondence with the active schoolmen of the day, both at home and abroad, has been established, which has been made immediately available in collecting information respecting the present condition of systems of public instruction and institutions of learning of every kind in nearly every civilized country; the results of which will be made public as rapidly as possible, and the sooner, and in the most satisfactory manner, if the Commissioner is authorized to employ the necessary clerical and editorial help.

4. As a great central repository of the results of the experience of States, institutions, and individuals, in this work of education, on the basis of a collection commenced thirty years ago of text-books, school documents, and instructional appliances, and in exchange of his own publications for similar works, a library and cabinet of education has been begun by the Commissioner, and is already accomplishing the purpose of the law by "collecting such statistics and facts as shall show the condition and progress of education in the several States and Territories."

5. As the main reliance both for collecting information of all important educational movements and discussions, as well as for disseminating information, the daily and weekly press of the country, both secular and religious, must be resorted to; and with such publishers and editors as have already expressed, or may hereafter express, a desire to receive circulars and documents issued by the Commissioner, a system of exchange will be established which, it is believed, will greatly promote the objects of the department.

MODES OF DISSEMINATING INFORMATION.

The several agencies relied on for collecting information: the annual meetings of educational associations, national, State, and municipal; correspondence, daily growing in volume and detail, with officers, teachers, and friends of educational improvement; the press, as well as personal interviews, have all been resorted to to disseminate information as to the objects and needs of the department. In addition to these the following plan of publication, after such consultation as could be had, was adopted and inaugurated, but will depend for its full development on the sanction and aid of Congress. It was set forth in Special Circular No. 2, which is here introduced with slight verbal modifications, suggested by the experience of the department.

PLAN OF PUBLICATION.

As at present advised, the following plan of publication will be pursued:

1. *Monthly circular.*—To be issued monthly; each number to be devoted to such special subject as the correspondence or investigations of the department may require, and, if the requisite clerical labor can be devoted to its preparation, to a monthly summary of educational intelligence and statistics in different States and countries.

These circulars will not be printed for general distribution, and as a general rule will be mailed, in answer or inquiry, to correspondents, or to persons known to be, or who may write, that they are specially interested in the subject.

The matter contained in them, in addition to the official, will not always be new, but such articles will be introduced from former publications of the Commissioner, or of others, as he may think illustrative of the special subject to which the circular is devoted.

2. *A quarterly publication.*—It is proposed to begin a national series of the American Journal of Education, with a view of completing the encyclopedic view of education, its history, system, institutions, principles, methods, and statistics, begun several years since, and prosecuted thus far with a special reference to the condition and wants of our own schools, and with a studious avoidance of all matters foreign to the main object. The range and exhaustive treatment of subjects can be seen by the classified index, which will be forwarded if desired.

Although the Journal will remain for the present under the editorial supervision of the Commissioner, who will receive no compensation for this service, it will be entirely the private enterprise of its publisher, who will soon announce his plan and terms.

The department will be in no way responsible for the matter or the expense, but will avail itself of this mode of printing documents prepared by, or at the request of, the Commissioner, which it may be desirable to issue in advance or aside of any other form of publication.

The numbers will be sent only to subscribers, or to special orders addressed to the publisher, Hartford, Connecticut.

3. *Educational documents and tracts.*—The Commissioner, with such co-operation as he can enlist, will at once begin the preparation or rather the revision and completion of a series of educational documents (A) begun several years ago, after consultation with several of the most eminent educators of the country; each of which will be devoted to an exhaustive treatment of a particular subject, and at the same time be so prepared as to give a brief summary of the general principles and statistics connected with the same for circulation by itself.

The plan of publication (B) will be set forth in his first annual report.

4. *An annual report.*—As is provided for in the act establishing this department, a report will be submitted to Congress annually, in which, after the preliminary arrangements have been completed for obtaining full and reliable information, the progress and condition of education in different States and countries during the year will be presented.

The following is the series of educational documents referred to above (A):

1. A catalogue of the best publications on the organization, instruction, and discipline of schools, of every grade, and on the principles of education, in different languages, which can be consulted in the library of the Department of Education at Washington.
2. A history of education, ancient and modern, with reference to the original authorities, where the systems and institutions of each country can be more fully investigated.
3. An account of elementary instruction in Europe.
4. National education in the United States, or contributions to the history and improvement of common or public schools, and other institutions, means and agencies of popular education in the several States.
5. School architecture; or the principles of construction, ventilation, warming, acoustics, seating, &c.; applied to school rooms, lecture halls, and class rooms, with illustrations.

6. Normal schools, training schools, teachers' institutes, and other institutions, means, and agencies, for the professional training and improvement of teachers.
7. System of public education for large cities and villages, with an account of the schools and other means of popular education and recreation in the principal cities of Europe and in this country.
8. System of popular education for sparsely populated districts, with an account of schools in the agricultural portions of different countries.
9. Schools of agriculture, and other means of advancing the special instruction of persons engaged in agriculture.
10. Schools of science applied to the mechanic arts, civil engineering, &c.
11. Schools of trade, navigation, commerce, &c.
12. Female education, with an account of different systems and seminaries in this country and in Europe.
13. Institutions for orphans.
14. Schools of industry, or institutions for truant, idle, or neglected children, before they have been convicted of crime.
15. Reform schools, or institutions for young criminals.
16. Houses of refuge, for adult criminals.
17. Secondary education, including (*a*) institutions preparatory to college, and (*b*) institutions preparatory to special schools of agriculture, engineering, trade, navigation, &c.
18. Colleges and universities.
19. Schools of theology, law, and medicine.
20. Military and naval schools.
21. Supplementary education, including adult schools, evening schools, courses of popular lectures, debating classes, mechanic institutes, &c.
22. Libraries, with hints for the purchase, arrangement, cataloguing, drawing, and preservation of books, especially in libraries designed for popular use.
23. Institutions for the deaf and dumb, blind, and idiots.
24. Societies for the encouragement of science, the arts, and education.
25. Schools and academies of art, public museums and galleries.
26. Public gardens, and other arrangements for popular recreation.
27. Educational tracts, or a series of short essays on topics of immediate practical importance to teachers and school officers.
28. Educational biography, or the lives of distinguished educators and teachers.
29. Educational benefactors, or an account of the founders and benefactors of educational and scientific institutions.
30. Self-education, or hints for self-formation, with examples of the pursuit of knowledge under difficulties.
31. Home education, with illustrations drawn from the family training of different countries.
32. Educational nomenclature and index, or an explanation of words and terms used in describing systems and institutions of education in different countries, with reference to the books where every educational subject of importance is discussed and treated of.

The Commissioner has no partiality for this classification of subjects, nor does he wish to restrict the inquiries or contributions of others to them. The series embraces, in his judgment, the most important institutions and agencies by which the education of the country is secured; and the careful preparation of a special document on each, giving its present condition and the suggestions of experienced and thoughtful men on the improvement of the same, will in the end greatly abridge the correspondence of the department, and "promote the cause of education throughout the country."

The plan of publication alluded to (B) in the above circular, is as follows:

1. The publication of such special documents or reports, in connection with the annual report of the Commissioner, as Congress shall authorize to be printed, to be circulated in the usual way, or as is suggested in paragraphs 4 and 5 below.

2. The printing of such special documents, so far as shall be authorized by Congress, in the same way as special documents are now prepared and printed in the different departments.

3. The printing of special reports or documents by the Commissioner on any of the subjects enumerated above, (A,) as they shall be prepared, to the extent (not to exceed a specified number of copies) and manner as shall be approved by the congressional Committee on Printing, to be distributed as suggested below.

4. Authority to furnish any person interested in the circulation of a particular document, with any number of copies, at the cost of press-work and paper.

5. The distribution by mail of single copies of any document to any State, incorporated, or school library, or to any editor or school officer who shall apply for the same.

6. An exchange with any publisher, or others, for an equivalent contribution to the library or cabinet of the department.

WORK DONE OR IN PROGRESS.

Having laid out the plan, by which to collect the fullest and latest information—legislative, administrative, and statistical—"to show the condition and progress of education in the several States and Territories, and of diffusing such information respecting the organization and management of schools and school systems, and methods of teaching as shall aid the people of the United States in the establishment and maintenance of efficient school systems, and otherwise promote the cause of education throughout the country," the Commissioner has labored diligently, with such force as he was authorized to employ and such co-operation as he could enlist, to accomplish as early and thoroughly as practicable the specific work assigned him to do, and at the same time to inaugurate measures by which the larger and wider results contemplated should, in a reasonable time, be realized.

1. *National land grants for educational purposes.*—In pursuance of the requirement of the act establishing the department, that "in the first report made by the Commissioner, there shall be presented a statement of the several grants of land made by Congress to promote education, and the manner in which these several trusts have been managed, the amount of funds arising therefrom, and the annual proceeds as far as the same can be determined," the first step taken after organizing the department was to authorize and direct the chief clerk to begin at once an investigation into the history of these grants, and to ascertain what material, printed or otherwise, was to be found in Washington. Application was made, through the Secretary of the Interior, to the Commissioner of the General Land Office, and letters were addressed to the governors of the several States and Territories, to the State officer or board having charge of the sales, and the investment and management of the proceeds, to superintendents of public schools, and presidents of colleges and other institutions founded or aided by the income of these proceeds—for such printed documents or statistics as would enable the Commissioner to present the results of this beneficent policy of the national government, both for its historical importance, and for the guidance of States which have systems and institutions yet to establish or develop on the basis of these grants. But from all these official sources of information, and from special efforts made in a few of the States, the requisite material has not been gathered within the year to enable him to comply in a satisfactory manner with the requirements of the law, except in respect to "the public lands donated to the several States to provide colleges for the benefit of agriculture and the mechanic arts." As a full account of the legislation of such States as had accepted the conditions of the grant, and of the institutions which had been organized under such legislation, was the most satisfactory answer which could be made to letters of inquiry from States and institutions which had not yet acted, the information was printed as soon as collected, and edited, in Official Circular No. VI, and the supplement. To the report on colleges of agriculture and the mechanic arts will be added a notice of similar institutions not aided by the national grants, together with a comprehensive survey of the whole field of realistic and special scientific education in the principal States of Europe—much of the material for which has been already collected without any expense to the department.

2. *Condition of public schools in the District of Columbia.*—In pursuance of a joint resolution of Congress, approved March 29, 1867, the Commissioner instituted an exhaustive inquiry as to the number of children of the ordinary school age; the number of the same in any school, public or private; the number and character of each grade of school, with the condition of the places where the schools were kept, the number and character of teachers, text-books and other material aids of instruction; and to form an intelligent opinion of the relative efficiency of the school systems in force in the District, and what additional legislation was necessary to secure the advantages of the best system to all the children, as he is instructed to do; he has had conference with school officers, and obtained by correspondence information respecting the organization, regulation, courses of instruction, mode of employing and training teachers, school-houses, and system of inspection, in nearly all the capitals and other principal cities of the several States.

In explanation of the delay in presenting this document to Congress, the Commissioner would give not simply the magnitude, as well as the variety of details, embraced in the investigation and discussion, but the condition of his own health, which at the time he hoped to complete his work, became seriously impaired. As the information called for in the resolution required a visit to every family and every school in the district, and at the same time made no provision for collecting and collating such information beyond the small cleriral force provided for the general purposes of the department in the act; and as further information respecting the present population, and its distribution in different parts of the District, not expressly called for, was desirable for any intelligent legislation by Congress in respect to a system of public schools, application was made to the municipal authorities of Washington and Georgetown, and the county, for their co-operation in taking a complete enumeration of the inhabitants, including the statistics required by Congress, and a small appropriation in aid of the work was asked for. This co-operation and aid to the extent specified was extended, as is duly acknowledged in the report referred to; but the expense of taking the enumeration was not fully met by such aid, and for the balance (about $600) an appropriation is respectfully asked.

3. *Constitutional provision respecting schools and education.*—Owing to the fact that conventions to revise or frame the constitution or fundamental law, were to be held in thirteen States within the year, numerous letters were received from delegates and others, for information respecting the operation of provisions already existing in the constitutions of other States, and for suggestions on the subject. In answer to these inquiries, and to give the fullest information as to the action of every State, a document was prepared, intended to embrace every provision found in the successive constitutions of each State respecting education, literature, and science. This document was printed in official circulars Nos. IV and V, with a circular addressed to the superintendent of education in each State, inviting his attention to any omission, and asking his views on the operation of the existing educational clause in the constitution of his State, in giving authority, direction, stimulus, or restriction to legislative or municipal action, as well as on the desirableness of securing any or all of the following features (7 and 8 are slightly modified) of a school system in any future revision of the same.

1. The authority and duty of the legislature to establish, aid, support, and supervise schools of every grade, and all institutions and agencies of education, science, and the arts.

2. The security against diminution or diversion of all educational funds and benefactions.

3. The certainty of a minimum rate of taxation, increasing with the population, sufficient every year to secure the elementary instruction of all children within the State who shall apply, by teachers professionally trained, and in schools legally inspected and approved.

4. The distribution of all State appropriations derived from taxation or funds, on such conditions and in modes as will secure local taxation or individual contributions for the same purpose, a lively municipal or public interest in the expenditure of both sums, the constant co-operation of parents at home in realizing the work of the school, and the regular attendance of the pupils.

5. A State board of education, having supervision of all educational institutions incorporated or aided by the State, and constituted in such way as to secure literary, scientific, and professional attainment and experience, freedom from denominational or party preponderance, sympathy with the wants of different sections and occupations, and independence of local or special influence.

6. A system of inspection, administered by the State board, intelligent, professional, frequent, and independent of local or institutional control, with the widest and fullest publicity of results.

7. State scholarships, securing free instruction in any higher institution incorporated or aided by the State, conditioned on fitness to enter and profit by the same, ascertained by open competitive examination.

8. A retiring fund, for teachers of public schools, made up of an annual allowance by the State, and an equal payment by those who register to secure its benefits, conditioned on prolonged service in the business of teaching.

9. An obligation on parents and guardians not to allow children to grow up in barbarism, ignorance, and vagrancy; and the exercise of the elective franchise, or of any public office, conditioned on the ability of the applicant to read understandingly the Constitution and the laws, and forfeited by any parent or guardian of children who neglects to secure the formal instruction of such children between the ages of 6 and 14 years, for at least eight months in the year, or to pay for their maintenance, if sent to a prison or reformatory while minors.

4. *Legislation respecting systems of elementary instruction.*—In answer to inquiries from abroad, respecting the legal organization of our public schools, and from States in our own country engaged in framing new laws or revising old ones on the subject, a collection of the school codes of the several States has been prepared, embracing the earliest law of each State, and a brief notice of all subsequent modifications, and the last revision. This document, so far as relates to its historical portion, was prepared without any expense to the department and mainly before its establishment, but will be placed at its disposal in case the publication of it is desired and authorized by Congress.

5. *European systems of public instruction.*—Although not to serve as models or guides, as a whole, for our country, yet, advantage may be derived from a knowledge of the manner in which attempts have been made to solve the problem of public instruction in other countries. In some features—the extent to which teaching is regarded as an art, whose methods are to be studied and practiced, the legal recognition of the professional character and public services of the teacher, the importance attached to frequent, intelligent, and independent inspection, the enforcement of parental obligation in the matter of the regular attendance of children at school, the extension of opportunities of thorough general culture by public institutions of secondary and superior education—we have much to learn from the experience of several of the European States. From most of these States the Commissioner is in possession of the fullest and latest information, gathered during a series of years; and for all, the material can readily be completed to the present time, if its publication is authorized and provided for. In connection with a series of articles on the relations of the State to education, an account of the school system of the little republic of Zurich was published in the Journal of Education, and in Official Circular No. VII, to illustrate the manner in which this question of the authority and duty of the State in popular education has been met by leading statesmen and educators in different countries, as well as practically solved by a republican government of the old world.

6. *Female education.*—In no department of American education has greater advancement been made within a quarter of a century, or is there now greater activity, than in the education of girls and young women; and to the discussion of the problems yet unsolved in many States and cities, and yet undetermined in the minds of many parents, of the co-education of the sexes in public or private schools of every grade, and the limitations and modifications of courses of instruction required by the peculiarities of constitution and occupation of women, the Commissioner proposes to bring the experience of systems, institutions, and individuals in different States and countries. Sources of information on the subject now in the department, and the experience of one leading institution are given in circular No. VIII.

7. *Academic or secondary education.*—On the important subject of institutions for secondary education, including public high schools and academies for either or both sexes, although the means for exhibiting their present condition in every State are not sufficiently collected, yet, to aid in the further collection of materials and in the discussion of the subject, the Commissioner has already published a general view of the system as it exists in New England, (Circular IX,) as well as a full account of the system of several of the principal countries of Europe, one of which (Prussia) is printed in Official Circular No. X.

8. *School-houses.*—Having received numerous inquiries, in personal calls and in correspondence, respecting school-houses, and having given for many years his attention to the subject, and being also in possession of a large number of plans, and receiving valuable accessions to his collection of designs, the Commissioner, as an expeditious and economical mode of answering these inquiries, has commenced the preparation of a document, a portion of which is now ready for the press, containing plans of buildings recently erected for graded schools. A selection from these will be found in the Official Circular No. XI.

9. *Professional training and improvement of teachers.*—It is obvious that neither constitutional provisions, legislative enactments, nor the existence of the most perfect school-houses, will secure the right education of the children of the nation, without a body of teachers devoted to the work of public instruction, possessing in a sufficient degree the requisite qualifications of character, attainments, and skill. To help teachers in their work, and to contribute to the highest improvement of special institutions for this object, as well as to advance in every possible way the public appreciation of their services, a document has been prepared showing what has been done, or is now doing, in the different States in this direction—portions of which will be found in Official Circular No. XII.

RECOMMENDATIONS.

In closing this statement of the preliminary operations of this department, the Commissioner avails himself of the provisions of the law requiring this report to be made to recommend—

1. The continued prosecution of the investigations already begun to their earliest practicable conclusion; and to this end, that authority to employ temporarily the assistance of persons specially qualified be granted, and that some appropriation for the expense of such personal visits as may be deemed needful to complete and verify the work in hand be made.

2. That authority be given to publish, with such limitations as to expense and copies as Congress may impose, such documents as may be called for in aid of the establishment of public schools in States where they do not now exist and to visit such States by himself, or others whom he may specially commission, and such educational conventions in other states, as he may think will subserve the purpose for which the department is established.

3. With the strongest desire to keep the expenses of the department within

the narrowest limits consistent with its efficiency, the Commissioner feels compelled, in consideration of the increasing correspondence, the regular publication of the monthly circular, the prompt despatch of documents, the proper collating and editing of the information and returns received, the use of the books and documents in the library, to ask for authority to employ one additional clerk of each class now allowed. The want of such help has delayed the preparation of the special reports required to be made, and thrown on the Commissioner, in addition to correspondence and studies which he cannot delegate, an amount of clerical work inconsistent with his highest usefulness, besides seriously impairing his health.

4. Thus far, the entire expense of obtaining information from abroad; all additions to the library of books and pamphlets, except the official documents of State and city superintendents; all engraving of designs and plans for school structures; a large item in obtaining the educational statistics of the District of Columbia, and making the same ready for Congress; all the printing, and much of the editorial work on the monthly circulars, except numbers III, IV, and V, besides no inconsiderable sums for the necessary incidental expenses of the department, has been borne by the Commissioner, and for only a portion of which an appropriation was asked in a letter to the Secretary of the Treasury, submitting an estimate of expenses for the current year. Whatever action Congress may deem just in reference to the past, the Commissioner would respectfully ask that in any future appropriation some allowance be made for the class of expenses above named, including a messenger and the necessary care of the rooms, which not being specified in the appropriation for 1867, have been disallowed in the settlement of the accounts of this department.

Respectfully submitted:

HENRY BARNARD,
Commissioner of Education.

The following are the contents of the official circulars referred to in the foregoing report, together with a portion of the accompanying matter which was distributed with each, in some cases as specimens of the information desired in the circular; and in others, to enforce the importance of the subject on which discussion was invited:

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40TH CONGRESS, 2d Session. } HOUSE OF REPRESENTATIVES. { Ex. Doc. No. 300.

ELECTIONS IN GEORGIA, NORTH CAROLINA, AND SOUTH CAROLINA.

LETTER

FROM

THE GENERAL OF THE ARMY,

TRANSMITTING,

In further answer to a resolution of the House of the 13th ultimo, a report by General Meade relative to recent elections in the State of Georgia. Also, two general orders of General Canby, commanding 2d military district, relative to elections in North Carolina and South Carolina.

JUNE 2, 1868.—Referred to the Committee on Reconstruction and ordered to be printed.

HEADQUARTERS ARMY OF THE UNITED STATES,
Washington, D. C., June 1, 1868.

SIR: In further answer to House resolution of the 13th May, 1868, I have the honor to transmit herewith the report just received of General Meade, commanding 3d military district, of the vote cast at the recent election for and against the constitution, and for governor, in the State of Georgia. Also, two general orders from General Canby, commanding 2d military district, proclaiming results of election in North Carolina and South Carolina.

Very respectfully, your obedient servant,

U. S. GRANT, *General.*

Hon. SCHUYLER COLFAX,
Speaker of the House of Representatives.

HEADQUARTERS THIRD MILITARY DISTRICT,
GEORGIA, ALABAMA, AND FLORIDA,
Atlanta, Georgia, May 26, 1868.

GENERAL: I have the honor to transmit, herewith enclosed, a report showing the total registration of the State of Georgia, as also the vote cast at the recent election for and against the constitution and for governor.

Very respectfully, your obedient servant,

GEO. G. MEADE,
Major General United States Army, Commanding.

General U. S. GRANT,
Washington, D. C.

Total registration and vote cast for and against the constitution and governor of the State of Georgia.

Counties.	Original registration.	Supplemental registration, 1867.	Supplemental registration, 1868.	Total registration.	Majority for the constitution.	Majority against the constitution.	Total vote cast for and against the constitution.	Majority for Bullock.	Majority for Gordon.	Total vote cast for governor.
Appling	547	*1	7	553	.....	170	294	.....	179	297
Baker	1,283	29	99	1,411	.....	348	1,024	.....	585	1,095
Baldwin	1,741	106	89	1,936	271	.....	1,707	283	.....	1,709
Banks	661	2	32	695	142	.....	592	48	.....	580
Berrien	523	2	1	526	.....	249	347	.....	239	319
Bibb	3,882	86	624	4,592	315	.....	4,103	273	.....	4,111
Brooks	1,467	8	13	1,488	278	.....	1,034	220	.....	1,060
Bryan	592	*16	30	606	153	.....	457	139	.....	461
Bullock	789	*41	6	754	.....	197	425	.....	363	447
Burke	3,334	*18	59	3,375	1,639	.....	2,623	1,630	.....	2,614
Butts	940	.....	54	994	.....	72	892	.....	117	881
Chatham	7,142	*3	1,295	8,434	1,772	.....	7,254	1,689	.....	7,253
Camden	681	13	41	735	488	.....	540	478	.....	544
Campbell	1,426	*3	13	1,436	160	.....	988	62	.....	1,016
Carroll	1,656	6	6	1,668	.....	48	1,188	.....	62	1,186
Cass, (now Barlow)	2,347	144	289	2,780	.....	230	2,140	.....	730	2,238
Catoosa	704	*9	103	798	52	.....	660	.....	198	658
Chattahoochee	1,005	2	27	1,034	.....	208	816	.....	274	828
Charlton	212	*1	5	216	76	.....	126	66	.....	126
Chattooga	894	49	7	950	.....	234	684	.....	288	702
Calhoun	955	64	48	1,067	79	.....	765	60	.....	802
Cherokee	1,677	*3	47	1,721	.....	212	1,042	.....	324	1,062
Clarke	1,989	8	275	2,272	268	.....	1,882	232	.....	1,904
Clay	862	4	62	928	.....	119	757	.....	119	757
Clayton	772	14	16	802	213	.....	679	.....	23	675
Clinch	582	29	17	628	110	.....	394	44	.....	396
Columbia	2,383	.....	105	2,488	796	.....	1,668	765	.....	1,679
Coffee	448	*1	1	448	.....	1	227	.....	15	229
Coweta	2,514	83	66	2,663	145	.....	2,133	105	.....	2,147
Colquitt	188	.....	.....	188	.....	5	85	.....	19	103
Cobb	2,221	4	171	2,396	.....	519	1,867	.....	805	1,877
Crawford	1,262	10	31	1,303	.....	27	1,049	.....	21	1,049
Dade	473	*2	12	483	.....	170	340	.....	219	349
Dawson	616	6	17	639	191	.....	463	151	.....	451
Decatur	2,139	43	46	2,228	369	.....	1,715	354	.....	1,722
De Kalb	1,444	30	83	1,557	.....	574	1,176	.....	621	1,183
Dooly	1,627	30	12	1,669	.....	186	1,214	.....	273	1,207
Dougherty	2,520	142	200	2,862	652	.....	2,738	517	.....	2,819
Early	1,106	43	119	1,268	.....	240	952	.....	242	952
Echols	227	*7	18	238	22	.....	184	.....	105	205
Elfingham	742	*8	9	743	.....	3	477	.....	20	476
Elbert	1,661	44	17	1,722	.....	530	978	.....	539	981
Emanuel	760	75	14	849	.....	13	431	.....	129	461
Fannin	708	25	.....	733	213	.....	475	185	.....	463
Fayette	1,164	.....	19	1,183	59	.....	839	.....	74	892
Floyd	2,389	71	102	2,562	.....	334	2,014	.....	419	2,027
Forsyth	1,133	75	.....	1,208	.....	158	910	.....	244	916
Franklin	989	48	43	1,080	167	.....	807	.....	127	827
Fulton	4,339	113	644	5,096	210	.....	4,248	.....	413	4,301
Gilmer	884	30	31	945	171	.....	603	146	.....	602
Glascock	514	.....	.....	514	.....	10	428	.....	65	417
Glynn	736	13	28	777	436	.....	586	433	.....	587
Gordan	1,451	2	110	1,563	.....	283	1,127	.....	459	1,115
Greene	2,256	83	236	2,575	934	.....	2,392	824	.....	2,440
Gwinnett	1,932	12	30	1,974	.....	294	1,388	.....	381	1,391
Habersham	877	2	17	896	319	.....	633	103	.....	657
Hall	1,336	41	28	1,405	307	.....	1,003	.....	124	984
Hancock	2,291	1	8	2,300	874	.....	1,892	869	.....	1,919
Haralson	537	14	.....	551	132	.....	434	45	.....	453
Hart	895	4	21	920	360	.....	668	233	.....	619
Harris	2,395	*13	13	2,395	117	.....	1,987	60	.....	2,010
Heard	1,118	22	45	1,185	38	.....	844	.....	9	879
Henry	1,657	44	21	1,722	.....	68	1,368	.....	166	1,394
Houston	3,516	31	345	3,892	.....	222	3,370	.....	340	3,392
Irwin	231	1	.....	232	(†)					
Jackson	1,609	22	69	1,700	247	.....	1,231	95	.....	1,247
Jasper	1,619	23	43	1,685	152	.....	1,446	124	.....	1,454
Jefferson	1,966	*4	.....	1,962	642	.....	1,474	624	.....	1,480
Johnson	415	8	30	453	16	.....	398	.....	68	398
Jones	1,550	127	7	1,684	265	.....	1,265	159	.....	1,277
Laurens	1,321	*5	14	1,330	135	.....	889	124	.....	896
Lee	1,862	36	67	1,965	286	.....	1,354	240	.....	1,386
Liberty	1,132	.....	34	1,166	571	.....	857	566	.....	856

Total registration and vote cast for and against the constitution and governor of the State of Georgia—Continued.

Counties.	Original registration.	Supplemental registration, 1867.	Supplemental registration, 1868.	Total registration.	Majority for the constitution.	Majority against the constitution.	Total vote cast for and against the constitution.	Majority for Bullock.	Majority for Gordon.	Total vote cast for governor.
Lincoln	881	1	5	887	62	.....	758	56	.....	756
Lowndes	1,147	*42	57	1,162	383	.....	845	256	.....	966
Lumpkin	863	2	27	892	.....	100	656	.....	115	655
Macon	1,900	138	37	2,075	490	.....	1 650	385	.....	1,749
Madison	685	16	4	705	.....	74	508	.....	92	524
Marion	1,316	.....	27	1,343	.....	351	1,129	.....	428	1,034
McIntosh	803	102	76	981	345	.....	593	311	.....	581
Meriwether	2,130	100	30	2,260	504	.....	1,840	392	.....	1,848
Miller	457	.....	.....	457	82	.....	378	.....	24	398
Milton	673	.....	50	723	.....	373	587	.....	412	606
Mitchell	997	51	1	1,049	155	.....	769	111	.....	793
Monroe	2,732	69	198	2,999	70	.....	2,642	32	.....	2,660
Montgomery	452	37	7	496	.....	132	332	.....	205	273
Morgan	1,773	37	50	1,860	853	.....	1,645	747	.....	1,657
Murray	953	18	27	998	87	.....	849	.....	159	859
Muscogee	2,833	98	501	3,432	590	.....	2,806	470	.....	2,810
Newton	2,233	30	147	2,410	59	.....	1,975	13	.....	1,989
Oglethorpe	1,804	59	86	1,949	681	.....	1,681	587	.....	1,701
Paulding	1,092	4	2	1,098	239	.....	773	17	.....	841
Pickens	745	.....	17	762	209	.....	629	169	.....	593
Pierce	304	21	63	388	150	.....	288	104	.....	294
Pike	1,791	12	17	1,820	.....	261	1,439	.....	267	1,445
Polk	1,154	10	.....	1,164	.....	238	940	.....	264	938
Pulaski	1,961	47	55	2,063	150	.....	1,508	107	.....	1,511
Putnam	1,729	4	12	1,745	663	.....	1,531	615	.....	1,549
Quitman	706	*6	5	705	.....	339	373	.....	350	362
Rabun	482	4	26	512	.....	15	399	.....	40	400
Randolph	1,891	89	223	2,203	.....	382	1,792	.....	426	1,800
Richmond	5,513	34	439	5,986	1,380	.....	4,826	1,331	.....	4,825
Schley	859	.....	22	881	24	.....	756	15	.....	763
Screven	1,513	*5	20	1,528	530	.....	968	397	.....	969
Spalding	1,522	.....	146	1,668	.....	71	1,467	.....	131	1,471
Stewart	2,240	138	84	2,462	.....	160	1,684	.....	188	1,692
Sumter	2,864	5	163	3,032	32	.....	2,592	.....	106	2,604
Talbot	2,003	30	52	2,085	291	.....	1,799	289	.....	1,825
Taliaferro	936	14	.....	950	296	.....	960	281	.....	973
Tatnall	624	*1	.....	623	.....	79	359	.....	206	362
Taylor	1,122	*5	33	1,150	.....	33	1,113	.....	39	1,111
Telfair	499	1	22	522	(†)					
Terrell	1,459	5	72	1,536	.....	550	1,172	.....	520	1,184
Thomas	2,198	7	.....	2,205	953	.....	1,513	884	.....	1,558
Towns	449	*3	42	488	35	.....	417	14	.....	404
Troop	3,133	8	85	3,226	593	.....	2,877	465	.....	2,895
Twiggs	1,541	11	58	1,610	977	.....	1,363	867	.....	1,389
Union	757	37	19	813	.....	27	645	.....	77	641
Upson	1,556	11	69	1,636	.....	27	1,503	.....	57	1,513
Walker	1,391	79	113	1,583	41	.....	1,159	.....	150	1,168
Walton	1,697	24	82	1,803	.....	24	1,330	.....	93	1,357
Warren	1,942	3	25	1,970	646	.....	1,634	580	.....	1,668
Ware	361	*3	.....	358	3	.....	215	.....	1	217
Washington	2,603	2	170	2,775	.....	132	2,332	.....	203	2,353
Wayne	224	1	20	245	.....	12	98	.....	28	96
Webster	780	5	29	814	.....	218	642	.....	242	646
Whitfield	1,402	54	143	1,599	387	.....	1,443	.....	118	1,432
Wilcox	362	6	2	370	.....	50	288	.....	278	284
Wilkes	1,946	.....	14	1,960	313	.....	1,651	307	.....	1,651
Wilkinson	1,757	21	7	1,785	379	.....	1,401	259	.....	1,425
Worth	525	.....	23	548	.....	127	323	.....	164	332
White	590	9	14	613	.....	13	487	.....	54	492
Grand total	188,671	3,178	9,909	201,758	27,494	9,512	158,372	22,007	14,835	159,782

* Excess of "stricken" over number registered. † No election.

Total registration	201,758
Total vote cast for and against the constitution	158,372
Total vote cast for governor	159,782
Excess of vote for governor; over for, and against the constitution	1,410
Excess of registration over vote cast for governor	41,976
Majority for the constitution	17,982
Majority for Bullock	7,172

HEADQUARTERS SUB-DISTRICT GEORGIA,
BUREAU OF REGISTRATION,
Atlanta, Georgia, May 16, 1868.

SIR: I have the honor to make the following statement:

D. C. Cowart, president board registration, 16th senatorial district, Laurens, Johnson, and Emanuel counties, reports that in consequence of the very heavy rains, thereby causing the streams to overflow, it was impossible to reach Dublin, Laurens county, until the third day of the election, April 22, and in order to receive the ballots of all desiring to vote, it was actually necessary to keep the polls open for one day after the time prescribed by General Orders. He is of opinion that all voters voted who desired to do so.

Alexander McGregor, president board registration, 15th senatorial district, Montgomery, Telfair, and Irwin counties, reports that in consequence of the heavy rains it was impossible to hold the election in Telfair and Irwin counties.

His associate registrars used every means to carry out General Orders, but the streams were so much swollen it was utterly impossible to reach the county seats until after the time prescribed had elapsed.

Respectfully submitted.

E. HULBERT,
Superintendent Registration, State of Georgia.

Colonel J. F. MELINE,
General Inspector Registration, Atlanta, Georgia.

Official:

R. C. DRUM,
Assistant Adjutant General.

[General Orders No. 79.]

HEADQUARTERS SECOND MILITARY DISTRICT,
Charleston, South Carolina, May 2, 1868.

At the election held in the State of South Carolina on the 14th, 15th, and 16th days of April, 1868, pursuant to General Orders No. 40, from these headquarters, dated March 13, 1868, and under the authority of the law of the United States of March 2, 1867, "to provide for the more efficient government of the rebel States," and the laws supplementary thereto, the question of ratifying or rejecting the constitution framed by the convention elected for that purpose, under the authority of the aforecited laws, was submitted to the qualified electors of the said State; and at which election was also submitted, under the authority of the 2d section of the law of the United States of March 11, 1868, amendatory of the aforecited laws, and of the ordinances of the convention adopted on the 7th and 8th days of March, 1868, the election of the officers of the legislative and executive departments of the State of South Carolina provided for by the said constitution; and also, under the same authority, of members of the House of Representatives of the Congress of the United States; and the election officers having made the returns required by law, it is hereby declared—

1. That the constitution adopted by the convention which assembled in the city of Charleston, S. C., on the 14th day of January, and adjourned on the 17th day of March, 1868, has been ratified by a majority of the votes actually cast by the qualified electors of the State of South Carolina.

2. That the following named persons have received a majority of the votes cast by the qualified electors of the State for the offices of the executive department of the State, and are duly elected to the offices herein specified:

Governor, R. K. Scott; lieutenant governor, Lemuel Boozer; adjutant and inspector general, Franklin J. Moses, jr.; secretary of state, Francis L. Cardoza; comptroller general, J. L. Neagle; treasurer, Niles G. Parker; attorney general, D. H. Chamberlain; superintendent of education, Justus K. Jilson.

3. That the following named persons have received a majority of the votes cast by the qualified electors of their respective senatorial and representative districts, and are duly elected as members of the senate and house of representatives of the general assembly of the State of South Carolina, as herein specified:

SENATE.

Abbeville county.—Valentine Young.
Barnwell county.—Charles P. Leslie.
Beaufort county.—Jonathan J. Wright.
Charleston county.—D. T. Corbin, Richard H. Cain.
Colleton county.—Wm. R. Hoyt.
Clarendon county—Elias E. Dickson.
Chester county.—Lucius Wimbush.
Chesterfield county.—R. J. Donaldson.
Darlington county.—B. F. Whittemore.
Edgefield county.—Frank Arnim.
Fairfield county.—James M. Rutland.
Georgetown county.—Joseph H. Rainey.
Greenville county.—James M. Allen.
Horry county.—H. Buck.
Kershaw county.—Justus K. Jilson.
Laurens county.—Young J. P. Owens.
Lexington county.—E. S. J. Hayes.
Marlboro' county.—Henry J. Maxwell.
Newberry county.—Charles W. Montgomery.
Oconee county.—D. Bieman.
Orangeburg county.—Benjamin F. Randolph.
Pickens county.—T. A. Rogers.
Richland county.—Wm B. Nash.
Spartanburg county.—Joel Foster.
Sumter county.—T. J. Coghlan.
Union county.—Hiram W. Duncan.
Williamsburg county.—Stephen A. Swails.
York county.—W. E. Rose.

HOUSE OF REPRESENTATIVES.

Abbeville county.—George Dusenberry, T. B. Milford, Hutson J. Lomax, James Martin, Richard M. Valentine.

Barnwell county.—W. J. Mixson, R. B. Elliott, Charles D. Hayne, Benjamin F. Berry, James N. Hayne, Julius Mayer.

Beaufort county.—William J. Whipper, Carlos J. Stolbrand, Philip E. Ezekiel, Robert Smalls, George A. Bennett, Charles S. Kuh, William C. Morrison.

Charleston county.—Robert C. DeLarge, Alonzo J. Ransier, Reuben Tomlinson, William H. W. Gray, Benjamin A. Bosemon, George Lee, Benjamin F. Jackson, Joseph H. Jenks, William McKinlay, F. J. Moses, jr., William J. Brodie, John B. Dennis, John B. Wright, William Jervey, Abraham Smith, Samuel Johnson, Stephen Brown, Edward Mickey.

Chester county.—Barney Humphries, Sancho Sanders, Barney Burton.

Chesterfield county.—H. L. Shrewsbury, D. J. J. Johnson.

Clarendon county.—Powell Smythe, William Nelson.

Colleton county.—W. M. Thomas, Henry James, Thomas Richardson, George McIntire, William Driffle.

Darlington county.—John Boston, Alfred Rush, G. Holliman, Jordan Lang.

Edgefield county.—T. Root, David Harris, Samuel J. Lee, John Wooley, Prince R. Rivers, John Gardner, Lorenz Cain.

Fairfield county.—Lewis W. Duvall, Henry Johnson, Henry Jacobs.

Georgetown county.—Henry W. Webb, Franklin F. Miller, William H. Jones.

Greenville county.—Samuel Tinsley, John B. Hyde, Wilson Cook, W. A. Bishop.

Horry county.—Zadoc Bullock, W. W. Waller.

Kershaw county.—John A. Chestnut, Sol. G. W. Dill, Jonas W. Nash.

Laurens county.—Griffin Johnson, Wade Perrin, Joseph Crews, Harry McDaniels.

Lexington county.—G. A. Lewie, H. W. Purvis.

Marlboro' county.—T. B. Stubbs, John G. Grant.

Newberry county.—Joseph Boston, James Hutson, James Henderson.

Oconee county.—O. M. Doyle, W. C. Keith.

Orangeburg county.—W. J. McKinlay, Thaddeus K. Sasportas, Francis DeMars, Edwin J. Cain, James P. Mays.

Pickens county.—William T. Field.

Richland county.—Samuel B. Thompson, William Simons, Chas. M. Wilder, Æsop Goodson.

Spartanburg county.—Samuel Littlejohn, Robert M. Smith, Ivan Bryant, Claude C. Turner.

Sumter county.—John H. Feriter, William E. Johnson, James Smiley, Burrel James.

Union county.—Samuel Nuckles, June Mobley, Simon Farr.

Williamsburg county.—Charles H. Pettingill, Robert F. Scott, Jeffrey Prendegrass.

York county.—J. H. White, P. J. O'Connell, John W. Mead, J. L. Neagle.

4. That the following named persons have received a majority of the votes cast by the qualified electors of their respective congressional districts, as established by an ordinance of the convention adopted on the 8th day of March, 1868, and are entitled to certificates of election as members of the House of Representatives of the Congress of the United States for the said districts, as herein specified:

First congressional district.—B. F. Whittemore.

Second congressional district.—C. C. Bowen.

Third congressional district.—Simeon Corley.

Fourth congressional district.—James H. Goss.

5. That the following named persons, voted for under the provisions of the second section of the ordinance adopted by the convention on the 8th day March, 1868, as representatives at large in the Congress of the United States, have received a majority of the votes cast by the qualified electors of the State voting at large, and are entitled to certificates of election as representatives at large in the Congress of the United States, under the provisions and conditions of the beforecited ordinance:

Members of Congress at large.—J. P. M. Epping and Elias E. Dickson.

The certificates of election will be sent direct to the State executive officers and to the members elect of the House of Representatives of the Congress of the United States; but for convenience and safety of transmission, the certificates for the members elect of the general assembly will be sent to the commanding officer post of Columbia, for delivery upon application by the persons who are entitled to receive them.

A certified abstract of the returns made by the election officers will be pre-

pared and deposited in the office of the secretary of state for the State of South Carolina.

II. Under the provisions of the ordinance adopted by the convention, the general assembly meets at Columbia on Tuesday, the 12th day of May, 1868; and unless otherwise directed by law, the officers of the executive department of the State, elected under the new constitution, will qualify and enter upon the duties of the offices to which they have been elected, on the tenth day after the approval of the constitution by the Congress of the United States, unless that day should fall on Sunday, and then on the next succeeding day. Under the requirements of the ninth section of the law of July 23, 1867, amendatory of the law of March 2, 1867, "to provide for the more efficient government of the rebel States," the officers elect, both of the legislative and executive departments, will, before entering upon the discharge of the duties of their offices, take and subscribe the oath of office prescribed by the law of July 2, 1862, "to prescribe an oath of office, and for other purposes." This oath will be taken in duplicate; one to be filed in the office of the secretary of state for the State of South Carolina, and the other to be forwarded to district headquarters.

If any of the State officers elected under the new constitution are disqualified by the third section of the proposed amendment to the Constitution of the United States, known as Article XIV, or are unable to take the oath prescribed by the law of July 2, 1862, they will not be allowed to discharge any official functions until the disability has been removed by the Congress of the United States, or unless the oath of office required by the ninth section of the above-cited law shall have previously been dispensed with by law, or unless the said ninth section shall have become inoperative by the fact that the people of the State have been declared by law to be entitled to representation in the Congress of the United States.

By command of Brevet Major General Ed. R. S. Canby:

LOUIS V. CAZIARC,
Aide-de-Camp, Acting Assistant Adjutant General.

[General Orders No. 83.]

HEADQUARTERS SECOND MILITARY DISTRICT,
Charleston, S. C., May 12, 1868.

At the election held in the State of North Carolina on the 21st, 22d and 23d days of April, 1868, pursuant to General Orders No. 45, from these headquarters, dated March 23, 1868, and under the authority of the law of the United States of March 2, 1867, "to provide for the more efficient government of the rebel States," and the laws supplementary thereto, the question of ratifying or rejecting the constitution framed by the convention elected for that purpose, under the authority of the aforecited laws, was submitted to the qualified electors of the said State; and at which election was also submitted, under the authority of the second section of the law of the United States of March 11, 1868, amendatory of the aforecited laws, the election of the officers of the legislative, judicial and executive departments, and county offices of the State of North Carolina provided for by the said constitution and made elective by the people; and also, by the same authority, of members of the House of Representatives of the Congress of the United States. And the election officers having made the returns required by law, it is hereby declared—

1. That the constitution adopted by the convention which assembled in the city of Raleigh, N. C., on the 14th day of January, and adjourned on the 17th day of March, 1868, has been ratified by a majority of the votes actually cast by the qualified electors of the State of North Carolina.

2. That the following named persons have received a majority of the votes cast by the qualified electors of the State for the offices of the executive department of the State, and are duly elected to the offices herein specified:

Governor.—William W. Holden.
Lieutenant Governor.—Tod R. Caldwell.
Secretary of State.—H. J. Menninger.
Treasurer.—David A. Jenkins.
Auditor.—Henderson Adams.
Superintendent of Public Works.—Cebern L. Harris.
Superintendent of Public Instruction.—Samuel S. Ashley.
Attorney General.—William M. Coleman.

3. That the following named persons have received a majority of the votes cast by the qualified electors of their respective senatorial and representative districts, and are duly elected as members of the senate and house of representatives of the general assembly of the State of North Carolina, as herein specified:

SENATE.

First senatorial district.—Elihu A. White, Jos. W. Etheridge.
Second senatorial district.—Franklin G. Martindale.
Third senatorial district.—John B. Respers.
Fourth senatorial district.—William Barrow.
Fifth senatorial district.—James W. Beasley.
Sixth senatorial district.—Henry Epps.
Seventh senatorial district.—Napoleon B. Bellamy.
Eighth senatorial district.—D. J. Rich.
Ninth senatorial district.—Joshua Barnes.
Tenth senatorial district.—William H. S. Sweet, W. A. Moore.
Eleventh senatorial district.—D. D. Colgrove.
Twelfth senatorial district.—William A. Allen.
Thirteenth senatorial district.—Edwin Legg, A. H. Galloway.
Fourteenth senatorial district.—John W. Purdie.
Fifteenth senatorial district.—Orlin S. Hayes.
Sixteenth senatorial district.—James S. Harrington, L. D. Holl.
Seventeenth senatorial district.—J. B. Cook.
Eighteenth senatorial district.—Curtis H. Brogden.
Nineteenth senatorial district.—Willie D. Jones, R. J. Wynne.
Twentieth senatorial district.—John A. Hyman.
Twenty-first senatorial district.—Charley S. Winstead, R. W. Lassiter.
Twenty-second senatorial district.—Josiah Turner, jr.
Twenty-third senatorial district.—Silas Burns.
Twenty-fourth senatorial district.—Bedford Brown.
Twenty-fifth senatorial district.—Israel G. Lash.
Twenty-sixth senatorial district.—T. M. Shoffner, G. W. Welker.
Twenty-seventh senatorial district.—Jehu H. Davis.
Twenty-eighth senatorial district.—W. B. Richardson.
Twenty-ninth senatorial district.—P. T. Beeman.
Thirtieth senatorial district.—J. W. Osborne.
Thirty-first senatorial district.—Christopher Melchor.
Thirty-second senatorial district.—William M. Robbins.
Thirty-third senatorial district.—P. A. Long.
Thirty-fourth senatorial district.—Peter A. Wilson.
Thirty-fifth senatorial district.—Samuel Forkner.
Thirty-sixth senatorial district.—John H. McLaughlin.
Thirty-seventh senatorial district.—Lawson A. Mason.
Thirty-eighth senatorial district.—J. B. Eaves.

Thirty-ninth senatorial district—Samuel P. Smith.
Fortieth senatorial district.—James Blythe.
Forty-first senatorial district.—Edmund W. Jones.
Forty-second senatorial district.—William M. Moore.
Forty-third senatorial district.—W. Levi Love.

HOUSE OF REPRESENTATIVES.

County of Alamance.—John A. Moore.
County of Alexander.—R. P. Matheson.
County of Alleghany.—John L. Smith.
County of Anson.—D. Ingram.
County of Ashe.—Mathew Carson.
County of Beaufort.—Hiram E. Stilley.
County of Bertie.—Parker D. Robbins.
County of Bladen.—F. W. Foster.
County of Brunswick.—Benjamin D. Morrill.
County of Buncombe.—W. G. Candler.
County of Burke.—Samuel C. Wilson.
County of Cabarrus.—John P. Gibson.
County of Caldwell.—James C. Harper.
County of Carteret.—Joel Henry Davis, jr.
County of Caswell.—William Long, Philip Hodnett.
County of Catawba.—James R. Ellis.
County of Chatham.—William T. Gunter, James B. Long.
County of Cherokee.—John R. Simons.
County of Chowan.—Richard Clayton.
County of Clay.—John O. Hicks.
County of Cleveland.—Plato Denham.
County of Columbus.—Daniel P. High.
County of Craven.—Augustus S. Seymour, A. W. Stevens, B. W. Morris.
County of Cumberland.—John S. Leary, Isham Sweat.
County of Currituck.—Thomas C. Humphries.
County of Davidson.—Jabez Mendenhall, George Kinney.
County of Davie.—James A. Kelly.
County of Duplin.—Isaac B. Kelly, N. E. Armstrong.
County of Egecombe.—George Peck, Henry C. Cherry.
County of Forsyth.—John P. Vest.
County of Franklin.—James T. Harris, John H. Williamson.
County of Gaston.—Jonas Hoffman.
County of Gates.—John Gatling.
County of Granville.—J. W. Ragland, J. A. Crawford, C. Mayo.
County of Greene.—Joseph Dixon.
County of Gilford.—Stephen G. Horney, David Hodgin.
County of Halifax.—John H. Renfrow, W. T. J. Hayes, Ivey Hutchings.
County of Harnett.—Neill S. Stuart.
County of Haywood.—Walter Brown.
County of Henderson.—W. D. Justus.
County of Hertford.—Thomas Snipes.
County of Hyde.—Thomas Farrow.
County of Iredell.—T. A. Nicholson, George F. Davidson.
County of Jackson.—Joseph Keener.
County of Johnston.—B. R. Hinnant, E. W. Pou.
County of Jones.—L. D. Willkie.
County of Lenoir.—Wallace Ames.
County of Lincoln.—A. C. Wiswall.
County of Macon.—James L. Robinson.

County of Madison.—Nat. Kelsey.
County of Martin.—Jesse J. Smith.
County of McDowell.—W. W. Gilbert.
County of Mecklenburg.—R. D. Whitley, W. W. Greer.
County of Mitchell.—Jacob W. Bowman.
County of Montgomery.—George A. Graham.
County of Moore.—Abel Kelly.
County of Nash.—W. W. Boddie.
County of New Hanover.—Joseph C. Abbott, Lewellyn G. Estes, George W. Price, jr.
County of Northampton.—Roswell C. Parker, John T. Reynolds.
County of Onslow.—Franklin Thompson.
County of Orange.—John J. Allison, Thomas M. Argo.
County of Pasquotank.—Thomas A. Sike.
County of Perquimans.—Jeptha White.
County of Person.—Samuel C. Barnett.
County of Pitt.—Byron Laflin, Richard Short.
County of Polk.—Asberry Waldrop.
County of Randolph.—E. T. Blair, Joel Ashworth.
County of Richmond—Richmond T. Long.
County of Robeson.—James Sinclair, Edward K. Proctor.
County of Rockingham.—Henry Barnes, David S. Ellington.
County of Rowan.—Joseph A. Hawkins, Isaac M. Shaver.
County of Rutherford.—James M. Justice.
County of Sampson.—John C. Williams.
County of Stanley.—Lafayette Green.
County of Stokes.—W. W. McCauless.
County of Surrey.—A. L. Hendricks.
County of Transylvania.—James W. Clayton.
County of Tyrrell.—Thomas J. Jarvis.
County of Union.—Hugh Downing.
County of Wake.—Joseph W. Holden, Stokes D. Franklin, Fielding G. Moring, James H. Harris.
County of Warren.—William Cawthorn, Richard Falkner.
County of Washington.—James J. Rea.
County of Watauga.—Lewis B. Banner.
County of Wayne.—John T. Pearson, John C. Rodes.
County of Wilkes.—William B. Siegrist.
County of Wilson.—George W. Stanton.
County of Yancey.—David Proffitt.
County of Yadkin.—T. M. Vistal.

4. That the following named persons have received a majority of the votes cast by the qualified electors of the State voting at large, and are duly elected to the offices herein specified:

Supreme court.—Chief justice, Richard M. Pearson; associate justices, Will. B. Rodman, Robert P. Dick, Thomas Settle, E. G. Reade.

Superior court judges.—First district, Charles C. Pool; second district, Edmund W. Jones; third district, Charles R. Thomas; fourth district, Daniel L. Russell, jr.; fifth district, Ralph P. Buxton; sixth district, Samuel W. Watts; seventh district, A. W. Tourgee; eighth district, Darius H. Starbuck; ninth district, George W. Logan; tenth district, Anderson Mitchell; eleventh district, James L. Henry; twelfth district, Riley H. Cannon.

5. That the following named persons have received a majority of the votes

cast by the qualified electors of their respective judicial districts, and are duly elected to the offices of solicitor, as herein specified:

First judicial district.—Jonathan W. Albertson.
Second judicial district.—Joseph J. Martin.
Third judicial district.—John V. Sherard.
Fourth judicial district.—John A. Richardson.
Fifth judicial district.—Neill McKay.
Sixth judicial district.—William R. Cox.
Seventh judicial district.—J. R. Bulla.
Eighth judicial district.—A. H. Joyce.
Ninth judicial district.—William P. Bynum.
Tenth judicial district.—W. P. Caldwell.
Eleventh judicial district.—Virgil S. Lusk.
Twelfth judicial district.—William L. Tate.

6. That the following named persons have received a majority of the votes cast by the qualified electors of their respective counties, and are duly elected to the offices herein specified:

Alamance county.—Sheriff, William J. Murray; coroner, George K. Foust; treasurer, David S. Thompson; county clerk of superior court, W. A. Albright; register of deeds, Thomas G. McLean; surveyor, James M. Patterson; commissioners, Austin C. Coble, Samuel J. Crawford, John Crawford, Dr. John W. McCauley, Jesse Gant,

Alexander county.—Sheriff, Joseph P. Matheson; coroner, James B. Pool; treasurer, J. Thomas Perry; county clerk of superior court, Eli M. Stevenson; register of deeds, William J. Harrington; surveyor, James F. Sharpe; commissioners, E. Miles Alexander, George W. Long, Thomas J. Watts, Reuben O. Bennett, Alexander C. McIntosh.

Alleghany county.—Sheriff, Calvin C. Jones; coroner, David Black; treasurer, John S. Parsons; county clerk of superior court, Berry H. Edwards; register of deeds, Francis M. Mitchell; surveyor, Toliver S. Higgins; commissioners, Henderson Cheek, James H. Parks, Fields J. McMillan, A. M. Bryan, John A. Jones.

Anson county.—Sheriff, George W. Willoughby; coroner, Thomas W. Allen; treasurer, A. M. Boggan; county clerk of superior court, James M. Covington; register of deeds, Thomas Carpenter; surveyor, J. D. Nance; commissioners, W. J. Leard, E. T. Gaddy, M. T. Ballard, John Pressley, W. T. Tucker.

Ashe county.—Sheriff, William Latham; coroner, Calvin Graybeal; treasurer, Eli Graybeal; county clerk of superior court, J. B. Parsons; register of deeds, Calvin Younce; surveyor, John Garvey; commissioners, David Worth, G. F. Hamilton, J. B. McMillan, J. H. Carson, S. H. Jones.

Beaufort county.—Sheriff, Samuel T. Carrow; coroner, J. R. Cherry; treasurer, J. F. Randolph; county clerk of superior court, George L. Windley; register of deeds, Richard Granger; surveyor, R. T. Shields; commissioners, Samuel Windley, Josephus Peed, Henry Hodges, Thomas H. Blount, Stancil Waters.

Bertie county.—Sheriff, Lewis Bond; coroner, John S. Sheppard; treasurer, Alexander R. Thompson; county clerk of superior court, William P. Gurley; register of deeds, E. L. Simmons; surveyor, J. J. Rhodes; commissioners, William J. Cherry, William P. Mitchell, Benjamin F. King, Frederick W. Bell, Augustus Robbins.

Bladen county.—Sheriff, James E. Eldridge; coroner, Alexander McDonald; treasurer, Dugald Blue; county clerk of superior court, Henry P. Crowell; register of deeds, Evander Singletary; surveyor, Jacob Freeman; commissioners, James Melvin, sr., Jesse Crooms, A. J. McDonald, John Spaulding, James Cashwell.

Brunswick county.—Sheriff, Thomas H. Britt; coroner, William Brown; treasurer, J. H. Theese; county clerk of superior court, Walter G. Curtis; register of deeds, E. M. Rosafy; surveyor, Peter L. Sellers; commissioners, Edward W. Taylor, T. G. Sellers, James King, W. B. Robeson, John Inman.

Buncombe county.—Jesse Sumner; coroner, Mitchell Brank; treasurer, Calvin Patton; county clerk of superior court, James E. Reed; register of deeds, Wiley S. Roberts; surveyor, Pinkney Fox; commissioners, Robert Hawkins, J. C. Davidson, Marion Roberts, Moses Cochran, G. F. Penland.

Burke county.—Sheriff, Joel Cloud; coroner, James Helterbrand; treasurer, Waighstill A. Benfield; county clerk of superior court, Frank D. Irvin; register of deeds, Thomas A. Seals; surveyor, R. Jackson McElrath; commissioners, John Martin, Joseph Denton, John L. Parks, Lawson A. Taylor, S. R. Fincannon.

Cabarrus county.—Sheriff, Nelson Slough; coroner, Josiah W. Rogers; treasurer, James C. H. Burkhead; county clerk of superior court, Kiah P. Harris; register of deeds, Ransom Winecoff; surveyor, John L. Shinn; commissioners, J. J. Misenheimer, J. C. Barnhardt, Daniel S. Caldwell, John Hileman, Joseph Young.

Caldwell county.—Sheriff, Robert R. McCall; coroner, Jason C. Hartley; treasurer, John B. Powell; county clerk of superior court, Robert R. Wakefield; register of deeds, Jethro R. Wilson; surveyor, Mathias A. Bernhardt; commissioners, Cornelius W. Clarke, Robert G. Tuttle, Allen Laxton, Lewis S. Hartley, McCaleb Coffey.

Carteret county.—Sheriff, Christopher F. Delamar; coroner, John L. Guthrie, jr.; treasurer, Joel H. Davis, sr.; county clerk of superior court, James Rumley; register of deeds, John Rumley; surveyor, John Leffers; commissioners, Rufus W. Bell, Benjamin L. Perry, sr., Samuel Leffers, Eli W. Sanders, Alfred H. Chadwick.

Caswell county.—Sheriff, Jesse C. Griffith; coroner, A. G. Yancey; treasurer, Thomas D. Johnston; county clerk of superior court, H. F. Brandon; register of deeds, Levi C. Page; surveyor, Samuel L. Venable; commissioners, Yancey Jones, N. M. Roan, W. B. Bowe, Giles Mebane, Calvin Graves.

Catawba county.—Sheriff, Jonas Cline; coroner, Franklin L. Harman; treasurer, George A. Ikerd; county clerk of superior court, Miles O. Sherrill; register of deeds, David B. Gaither; surveyor, Patrick Cline; commissioners, Drury Hamil ton, Moses M. Huit; Joshua B. Little, A. J. Corpening, A. L. Shuford.

Chatham county.—Sheriff, George J. Williams; coroner, A. Dowdy; treasurer, William Wilson; county clerk of superior court, S. P. Petty; register of deeds, William H. Hatch; surveyor, Presley Snipes; commissioners, William C. Thomas, Robert C. Council, James Pace, James H. Woody, George Steadmand.

Cherokee county.—Sheriff, C. C. Vest; coroner, P. M. G. Rhea; treasurer, C. C. Gentry; county clerk of superior court, James C. Axley; register of deeds, Drury Weeks; surveyor, Henry Green; commissioners, M. B. Crisp, W. T. Vest, James M. Lovengood, David Hennesa, W. K. H. Dickey.

Chowan county.—Sheriff, A. C. Ward; coroner, William Davenport; treasurer, J. A. Woodard; county clerk of superior court, C. E. Robinson; register of deeds, J. O. Cheshire; surveyor, G. J. Cherry; commissioners, R. G. Mitchell, D. V. Etheridge, Charles Blair, John H. Hall, H. H. Hobbs.

Clay county.—Sheriff, John Patterson; coroner, James Bell; treasurer, Paschal Hughes; county clerk of superior court, E. G. Smith; register of deeds, William McConnell; surveyor, N. W. Moore; commissioners, Abraham Israel, Andrew Barnard, W. M. Davis, J. C. Moore, W. C. Ledford.

Cleveland county.—Sheriff, J. Z. Falls; coroner, Elisha McBrayer; treasurer, Eli H. Fulenwider; county clerk of superior court, Jesse Jenkins; reg-

ister of deeds, Christopher Carpenter; surveyor, Robert W. Falls; commissioners, J. R Logan, D. Whesnant, G. M. Green, Isaac Oates, James C. Lattimore.

Columbus county.—Sheriff, Varn V. Richardson; coroner, Murdoch Frazier; treasurer, Francis Lennon; county clerk of superior court, Isaac Jackson; register of deeds, W. W. Pate; surveyor, Calvin C. Gore; commissioners, Dempsey Coleman, Haynes Lennon, Daniel D. Campbell, John H. Gore, James High.

Craven county.—Sheriff, A. R. Dennison; coroner, R. C. Kehoe; treasurer, A. H. Foster; county clerk of superior court, I. Edwin West; register of deeds, James C. Harrison; surveyor, Charles A. Nelson; commissioners, Edward R. Stanley, John L. Smith, Calvin Messic, Ethelbert Hubbs, James W. Potter.

Cumberland county.—Sheriff, John Reilly; coroner, William H. Porter; treasurer, Samuel N. Welsh; county clerk of superior court, John C. Collahan; register of deeds, John Frey; surveyor, Duncan G. McCormick; commissioners, Warren Carver, Daniel Darrach, John W. Hopkins, George W. Wheeler, Matthew N. Leary, sr.

Currituck county—Sheriff, Thomas F. Baxter; coroner, John A. Mathias; treasurer, Andrew Bray; county clerk of superior court, Jesse B. Lee; register of deeds, Wiley Mathias; surveyor, Mitchell S. Ferebee; commissioners, Thomas Sanderlin, H. C. Baxter, Calvin B. Cason, James M. Woodhouse, J. B. Etheridge.

Davidson county.—Sheriff, Jacob Sowers; coroner, A. A. Grimes; treasurer, W. L. Cecil; county clerk of superior court, L. E. Johnson; register of deeds, P. R. Huff; surveyor, P. E. Sink; commissioners, William Bodenhammer, William Loflin, John L. Snider, B. F. Beckerdite, Calvin Taylor.

Davie county.—Sheriff, Samuel A. Kelly; coroner, Beal I. James; treasurer, Mathew Fulford; county clerk of superior court, H. R. Austin; register of deeds, Ephraim Gaither; surveyor, Denton I. James; commissioners, J. M. Johnson, John C. Foard, Henry B. Howard, W. H. Perry, Charles Anderson.

Duplin county.—Sheriff, Bland Wallace; coroner, Uriah Herring; treasurer, Walter R. Bell; county clerk of superior court, J. D. Southerland; register of deeds, James M. Sprunt; surveyor, H. G. Maxwell; commissioners, A. G. Moseley, John E. Fussell, D. T. McMillan, Zaccheus Smith, Stephen M. Grady.

Edgecombe county.—Sheriff, Battle Bryan; coroner, W. F. Mercer; treasurer, Robert H. Austin; county clerk of superior court, John Norfleet; register of deeds, B. J. Keech; surveyor, W. G. Lewis; commissioners, W. H. Knight, Thomas Newton, R. Norfleet, Benjamin Norfleet, R. M. Johnson.

Forsyth county.—Sheriff, Mathias Masten; coroner, Augustus Fogle; treasurer, Robert F. Linville; county clerk of superior court, John Blackburn; register of deeds, Nelson S. Cook; surveyor, Hamilton Morris; commissioners, Aquilla Pitts, William A. Harper, William B. Doub, George V. Fulp, George H. Renegar.

Franklin county.—Sheriff, E. A. Gupton; coroner, Benjamin Eaves; treasurer, Colonel A. Thomas; county clerk of superior court, R. F. Timberlake; register of deeds, B. F. Greenwood; surveyor, John B. Tucker; commissioners, James C. Reid, A. W. Pearce, Gray Stokes, James W. Fuller, Fenner Tharrington.

Gaston county.—Sheriff, G. W. McKee; coroner, Miles Hoffman; treasurer, Milton J. Aydlett; county clerk of superior court, Eli H. Withers; register of deeds, Cyrus C. Withers; surveyor, W. B. Lay; commissioners, William McKee, John M. Armstrong, Esli Rhyne, William Falls, Samuel A. Torrence.

Gates county.—Sheriff, B. F. Willey; coroner, H. Hofler; treasurer, Lassiter Riddick; county clerk of superior court, R. B. G. Cowper; register of deeds, John R. Walton; surveyor, Allen Smith; commissioners, Samuel J. Lowther, David Parker, Mills H. Eure, H. A. Morgan, A. G. Rountree.

Granville county.—Sheriff, James J. Moore; coroner, W. K. Jenkins; treas-

urer, R. P. Taylor; county clerk of superior court, Calvin Betts; register of deeds, John W. Betts; surveyor, Lewis Ragland; commissioners, Lewis H. Kittle, Thomas W. Pool, William H. Puryear, Edward B. Lyon, Thomas W. Hicks.

Greene county.—Sheriff, S. R. Harper; coroner, T. T. Dail; treasurer, Hardy Ormon; county clerk of superior court, John M. Patrick; register of deeds, William J. Taylor; surveyor, S. H. Edwards; commissioners, William P. Grimsley, B. S. Hardy, George Beaman, John Patrick, Benjamin Rouse.

Guilford county.—Sheriff, Robert M. Stafford; coroner, John A. Pritchett; treasurer, John Hall; county clerk of superior court, Abram Clapp; register of deeds, John W. S. Parker; surveyor, George W. Bowman; commissioners, William Wheeler, Jonathan Anthony, William M. Mebane, John C. Denny, Zephaniah Mitchell.

Halifax county.—Sheriff, John A. Reid; coroner, Robert D. Bowers; treasurer, E. T. Clark; county clerk of superior court, John T. Gregory; register of deeds, John N. Brown; surveyor, A. L. Pierce; commissioners, Benjamin A. Lavender, Charles H. Webb, Robert L. Howard, Andrew Jackson, Thomas Sledge.

Harnett county.—Sheriff, James R. Grady; coroner, Allen A. Cameron; treasurer, James G. Brown; county clerk of superior court, Benjamin F. Shaw; register of deeds, Andrew J. Kivett; surveyor, Archibald S. McNeill; commissioners, George W. Pegram, Anson Parker, Robert C. Belden, Joseph T. Reardon, Christopher Barbee.

Haywood county.—Sheriff, A. J. Murray; coroner, J. C. Leatherwood; treasurer, R. H. Penland; county clerk of superior court, G. S. Ferguson; register of deeds, W. C. Brown; surveyor, James Parks; commissioners, A. C. Hartgrove, H. P. Haynes, D. V. McCracken, David Plolt.

Henderson county.—Sheriff, W. A. Fortune; coroner, N. P Corn; treasurer, J. L. Hood; county clerk of superior court, C. M. Pace; register of deeds, Wesley M. Justus; surveyor, E. M. Anderson; commissioners, C. McCrarey; W. D. Whitted; James M. Justice, T. F. Byrd, W. G. B. Morris.

Hertford county.—Sheriff, James Kiff; coroner, Osborne A. Giles; treasurer, Jordan J. Horton; county clerk of superior court, Starkey S. Harrell; register of deeds, James M. Trader; surveyor, Zephaniah Askew, jr.; commissioners, Robert S. Parker, Samuel J. Holloman, William D. Newsom, William Reid, John W. Harrell.

Hyde county.—Sheriff, Israel B. Watson; coroner, John Bateman; treasurer, John M. Mann; county clerk of superior court, Samuel R. Sadler; register of deeds, Thomas M. Jones; surveyor, George W. Swindell; commissioners, William S. Carter, James McClaud, John Fulford, Robert P. Wahab, George L. Fulcher.

Iredell county.—Sheriff, William F. Wasson; coroner, John M. Leppard; treasurer, Charles A. Carlton; county clerk of superior court, Charles L. Summers; register of deeds, Thomas La F. Bell; surveyor, John M. Turner; commissioners, Thomas A. Allison, James H. Scroggs, John Davidson, John Young, Amos P. Sharpe.

Jackson county.—Sheriff, Benjamin S. Buchanan; coroner, Jonathan M. Bryson; treasurer, Reuben H. Stephens; county clerk of superior court, Eleazer D. Davis; register of deeds, William R. Buchanan; surveyor, John R. Dills; commissioners, Oliver Painter, J. W. Terrell, William Norton, William Wilson, Joseph D. Buchanan.

Johnston county.—Sheriff, E. G. Hill; coroner, B. V. Smith; treasurer, Alfred Holland; county clerk of superior court, P. T. Massey; register of deeds, A. R. Duncan; surveyor, Charles C. Massey; commissioners, Robert Massengale, Henry L. Barnes, John C. Hood, sr., J. R. Coats, H. Raby.

Jones county.—Sheriff, O. R. Colgrove; coroner, John S. Andrews; treasurer,

J. K. Smith; county clerk of superior court, J. H. C. Bryan; register of deeds, W. H. Bryan; surveyor, Joseph Kinsey; commissioners, Joseph A. Haskell, John Pearce, Thomas J. Whitaker, John Smith, B. L. Bryan.

Lenoir county.—Sheriff, E. F. Cox; coroner, William F. Lofton; treasurer, Roderick J. Powell; county clerk of superior court, R. F. Green; register of deeds, Augustus C. Wadsworth; surveyor, William Arthur; commissioners, Anthony Davis, L. H. Aldridge, Pinkney Hardy, Richard W. King, Amos Harvey.

Lincoln county.—Sheriff, L. H. Lowrance; coroner, S. B. Curry; treasurer, William McCoy; county clerk of superior court, S. P. Sherrell; register of deeds, T. W. Robinson; surveyor, David Huss; commissioners, James Mullin, O. B. Jenks, J. H. King, J. H. Marsh, Henry Rhodes.

Macon county.—Sheriff, James Cansler; coroner, A. W. Bell; treasurer, William Sloan; county clerk of superior court, William N. Allman; register of deeds, R. C. Slagle; surveyor, Thos. S. Siler; commissioners, J. M. Lyle, J. H. Bryson, L. Howard, John Ammons, A. Hall.

Madison county.—Sheriff, Abner G. Tweed; coroner, D. E. Freeman; treasurer, John Chandley; county clerk of superior court, J. J. Gudger; register of deeds, E. J. Twead; surveyor, W. P. Jervis, commissioners, Thomas Tillery, Thomas J. Rollins, John G. Briggs, G. M. McDowell, W. R. Trull.

Martin county.—Sheriff, R. B. Salisbury; coroner, James H. Ellison; treasurer, John Watts; county clerk of superior court, Joseph M. Siterson; register of deeds, William C. Eborn; surveyor, James E. Moore; commissioners, F. G. Martindale, H. J. Modlin, A. C. Wentz, John R. Lanier, Bryant Bennett.

McDowell county.—Sheriff, J. J. Bradley; coroner, D. W. Jimmerson; treasurer, J. A. Duncan; county clerk of superior court, D. O. H. W. Gillespie; register of deeds, Josiah Wiseman; surveyor, B. W. Craig; commissioners, John Ross, James Ledbetter, J. W. McCall, J. J. Falkner, J. C. Evans.

Mecklenburg county—Sheriff, R. M. White; coroner, William P. Little; treasurer, Samuel E. Belk; county clerk of superior court, E. A. Osborne; register of deeds, F. M. Ross; surveyor, T. B. Price; commissioners, Robert M. Oales, S. Watson Reid, R. L. DeArmond, Thomas L. Vails, R. R. King.

Mitchell county.—Sheriff, William D. Burleson; coroner, David Slagle; treasurer, William S. Buchanan; county clerk of superior court, G. Garland; register of deeds, Wilson Burleson; surveyor, Isaac D. English; commissioners, S. M. Winters, E. A. Hall, S. M. Callis, A. Burleson, Stephen street.

Montgomery county.—Sheriff, Peter C. Riley; coroner, David Deberry; treasurer, David A. Boyd; county clerk of superior court, C. C. Wade; register of deeds, Parsons H. Morris; surveyor, Nerious Thayer; commissioners, Neill McInnes, John C. Nichols, John A. Graham, Silas Kerans, Austin S. Harris.

Moore county.—Sheriff, K. H. Worthy; coroner, J. K. McDonald; treasurer, W. L. Sullivan; county clerk of superior court, A. H. McNeill; register of deeds, J. R. Brown; surveyor, Daniel McIntosh; commissioners, John A. Barrett, W. A. Seawell, Absolon Kelly, John Retter, C. H. Smith.

Nash county.—Sheriff, George N. Lewis; coroner, R. B. Griffin; treasurer, George W. Cooper; county clerk of superior court, B. H. Sorsby; register of deeds, W. T. Griffin; surveyor, Alexander Hilliard; commissioners, A. J. Taylor, D. W. Winstead, B. H. Vester, A. H. Arrington, L. M. Conyers.

New Hanover.—Sheriff, James W. Schenck, jr.; coroner, Owen Birney; treasurer, Elias R. Wilson; county clerk of superior court, James C. Mann; register of deeds, Robert S. Waldron; surveyor, John L. Rhoades; commissioners, Edward M. Shoemaker, Rufus Garris, Stephen Keyes, Elijah Hewlett, James Wilson.

Northampton county.—Sheriff, Henry T. Grant; coroner, William A. Parker, treasurer, James W. Copeland; county clerk of superior court, Noah R. Odom;

register of deeds, William T. Buxton; surveyor, Henry Copeland; commissioners, Edmund Jacobs, James W. Newsum, William Barrow, George D. Hollamon, Lemuel H. Boyce.

Onslow county.—Sheriff, Elijah Murrill; coroner, Stratton Burton; treasurer, Simon B. Taylor; county clerk of superior court, Augustus C. Huggins; register of deeds, Zadoc M. Coston; surveyor, Marquis L. F. Redd, commissioners, Christopher Stephens, Henry H. Sandlin, William P. Ward, Edward W. Fonville, Andrew J. Murrill.

Orange county.—Sheriff, John Turner; coroner, John Berry; treasurer, David C. Parks; county clerk of superior court, George Laws; register of deeds, John Laws; surveyor, John W. Stroud; commissioners, Lemuel Lynch, Jones Watson, John U. Kirkland, Robert F. Morris, William N. Patterson.

Pasquotank county.—Sheriff, Richard B. Smithson; coroner, Henry B. Coleman; treasurer, William G. Pool; county clerk of superior court, William E. Vaughan; register of deeds, Charles Guirkin; surveyor, Frank Vaughan; commissioners, George W. Bell, C. W. Hollowell, George D. Pool, William F. Saunders, William A. Price.

Perquimans county.—Sheriff, Henry White; coroner, Thomas Elliott; treasurer, Josiah Nicholson; county clerk of superior court, Edward C. Albertson; register of deeds, Uriah W. Speight; surveyor, Thomas E. Winslow; commissioners, Elijah Peele, John W. Albertson, Joseph R. Parker, Jeptha White, Alfred Newby.

Person county.—Sheriff, John Barnett; coroner, James R. Woody; treasurer, George W. Norwood; county clerk of superior court, John D. Wilkerson; register of deeds, Horace L. Bumpass; surveyor, Joseph Maxy; commissioners, Thomas H. Briggs, John Buchanan, James T. Sergeant, M. D. C. Bumpass, Chesley Hamlin.

Pitt county.—Sheriff, John Foley; coroner, Henry Wilkes; treasurer, Edwin J. Smith; county clerk of superior court, Calvin Cox; register of deeds, Fernando C. James; surveyor, S. D. Pope; commissioners, Charles W. Smith, Joshua Robertson, Joel Patrick, Thomas Cox, James H. Taft.

Polk county.—Sheriff, N. B. Hampton; coroner, Jackson Dalton; treasurer, J. W. Hampton; county clerk of superior court, R. S. Abrams; register of deeds, James A. Thorn; surveyor, J. M. Hamilton; commissioners, Berry Thompson, James Rains, Miles Padgett, G. B. Arlege, John Gibbs.

Randolph county.—Sheriff, R H. Trogdon; coroner, Reuben Free; treasurer, W. A. Brown; county clerk of superior court, B. B. Bulla; register of deeds,, W. R. Ashworth; surveyor, M. Hinshaw; commissioners, B. A. Sellars, J. A. Blair, Obed Osborn, John Robbins, Harris Johnson.

Richmond county.—Sheriff, Harris G. Terry; coroner, William P. McDonald; treasurer, Alfred Dockery; county clerk of superior court, John A. Long; register of deeds, William R. Terry; surveyor, William W. Graham; commissioners, John Watson, George W. McKinnon, Robert Fletcher, William W. Burton, James W. O'Bryant.

Robeson county.—Sheriff, Benjamin A. Howell; coroner, Everett Phillips; treasurer, Elias D. Johnson; county clerk of superior court, John C. Moore; surveyor, Roderick McMillan; commissioners, Hector J. McLean, Joshua L. Nance, William Rice, James Oxendine, James D. McAllister.

Rockingham county.—Sheriff, Turner W. Patterson; coroner, Calvin Preddy; treasurer, John W. Foster; county clerk of superior court; Thomas A. Ragland; register of deeds, Green L. Jones; surveyor, James Starrett; commissioners, William F. Windson, John H. French, Zacharia Groom, Robert Guynn, Charles Williams.

Rowan county.—Sheriff, William A. Walton; coroner, Benjamin F. Fraley; treasurer, James S. McCubbins; county clerk of superior court, A. Judson Mason; register of deeds, Obadiah Woodson; surveyor, Charles F. Waggoner;

commissioners, John I. Shaver, Paul Seaford, N. F. Luckey, John D. Johnston, D. A. Davis.

Rutherford county.—Sheriff, Martin Walker; coroner, A. P. Hollifield; treasurer, Eleazer McArthur; county clerk of superior court, J. B. Carpenter; register of deeds, Rufus S. Williams; surveyor, Andrew J. Scoggin; commissioners, John M. Allen, B. W. Andrews, Hasel H. Hopper, Joseph Taylor, Calvin J. Sparks.

Sampson county.—Sheriff, Amos S. C. Powell; coroner, Jesse E. Barden; treasurer, James M. Mosely; county clerk of superior court, James K. Morrisey; register of deeds, William A. Mathis; surveyor, Josiah Robinson; commissioners, Amma B. Chestnutt, Allen M. Blackburn, Lewis C. King, John C. Carroll, Joseph D. Pearsall.

Stanley county.—Sheriff, Joseph Marshall; coroner, Davidson Furr; treasurer, John A Lilley; county clerk of superior court, James M. Redwine; register of deeds, Samuel S. Stone; surveyor, Wm. H. Randall; commissioners, W. H. Smith, A. F. Atkins, Philip Ridenhour, Andrew Honeycutt, E. W. Davis.

Stokes county.—Sheriff, W. H. Gentry; coroner, Samuel Wagoner; treasurer, Isaac Null; county clerk of superior court, James Martin; register of deeds, Leander Nelson; surveyor, Gid. George; commissioners, Ambrose Jessup, Walker Gann, J. J. Martin, William Freeman, George W. Barr.

Surrey county.—Sheriff, William Haymore; coroner, Lewis Taylor; treasurer, C. C. McMikle; county clerk of superior court, Alexander H. Freeman; register of deeds, Eli F. Taylor; surveyor, Robert T. Sanders; commissioners, Vestal Hutchins, W. H. Pell, Henry N. Wolfe, William Golden, Jesse Jervis.

Transylvania county.—Sheriff, George W. Wilson; coroner, E. England; treasurer, Robert Hamilton; county clerk of superior court, George C. Neill; register of deeds, John C. Davis; surveyor, M. J. Orr; commissioners, Richard Whiteman, John Owens, George Clayton, Samuel Lintoo, George Kitchens.

Tyrrell county.—Sheriff, Bartlett J. Jones; coroner, Samuel Norman; treasurer, Daniel E. Lee; county clerk of superior court, Joseph R. Norman; register of deeds, Thomas W. Knight; surveyor, William G. Nelson; commissioners, Joseph Cohoon, Benjamin Spruell, James Brickhouse, Charles McCloes, Edward Mann.

Union county.—Sheriff, John J. Hasty; coroner, Joseph McClelland; treasurer, Thomas W. Griffin; county clerk of superior court, George W. Flow; register of deeds, James O. Griffin; surveyor, Andrew W. Bass; commissioners, Calvin Trull, Ezekiel Gurley, Leroy B. Fincher, Elisha W. Griffin, Elijah M. Walker.

Wake county.—Sheriff, Timothy F. Lee; coroner, Joseph T. Backalar; treasurer, Jefferson Fisher; county clerk of superior court, John W. Bunting; register of deeds, William W. White; surveyor, Hillard J. Smith; commissioners, Robert W. Wynne, Joshua P. Andrews, Calvin J. Rodgers, William Jinks, Jacob Sorrell.

Warren county.—Sheriff, Nathaniel R. Jones; coroner, Benjamin E. Cooke, jr.; treasurer, John C. McCraw; county clerk of superior court, William A. White; register of deeds, Isham H. Bennett; surveyor, R. B. Pashall; commissioners, Thomas A Montgomery, J. W. Bullock, J. W. Rodgers, J. J. Rodwell, A. L. Steed.

Washington county.—Sheriff, John M. Bateman; coroner, Theophilus Ash; treasurer, Levi Jackson, jr.; county clerk of superior court, James A. Melson; register of deeds, John Carroll; surveyor, Horace F. Phelps; commissioners, Martin Jackson, Robert S. Goelet, George W. Jones, John B. Chesson, jr., Alexander M. Phelps.

Watauga county.—Sheriff, John Hooton; coroner, Stephen Williams; trea-

surer, William Vuncannon; county clerk of superior court, Joseph B. Todd; register of deeds, Joseph Harrison; surveyor, Nathan Horton; commissioners, Jacob Vuncannon, Alfred Miller, William Hodges, Johiel Smith, Larkin Ray.

Wayne county.—Sheriff, Jonathan Pearson; coroner, Giles Kornegay; treasurer, Edmund Coor; county clerk of superior court, George W. Robinson; register of deeds, West Holland; surveyor, Edwin G. Copeland; commissioners, James H. Place, John Hollowell, Shade Pate, Thomas A. Deans, Green Simmons.

Wilkes county.—Sheriff, Joseph W. Hays; coroner, Harrold Hays; treasurer, Stephen Johnson; county clerk of superior court, George H. Brown; register of deeds, Robert M. Smith; surveyor, Henry C. Sebastian; commissioners, John Saint Clair, Elijah Dyre, James F. Somers, Robert B. Bryan, William Myers.

Wilson county.—Sheriff, Benjamin F. Briggs; coroner, H. W. Peele; treasurer, John Wilkinson; county clerk of superior court, Arthur Barnes; register of deeds, Frank W. Taylor; surveyor, Robert A. Ellis; commissioners, James Wiggins, Solomon Lamm, William Hinnant, Newett D. Owens, David W. Barnes.

Yancey county.—Sheriff, W. E. Peircy; coroner, Ephraim Honeycutt; treasurer, J. G. Hyatt; county clerk of superior court, A. J. Roberts; register of deeds, David McCanles; surveyor, J. R. Neill; commissioners, Wade Hampton, Leander Ray, John H. Ray, J. C. Kilpatrick, R. N. Atkins, jr.

Yadkin county.—Sheriff, George Nicks; coroner, W. H. Branon; treasurer, Benjamin Mackie; county clerk of superior court, James A. Martin; register of deeds, S. L. Tulburt; surveyor, Isaac N. Vestal; commissioners, H. C. Felts, Aquilla Speer, John Algood, W. W. Patterson, A. S. Jones.

Seventh. That the following named persons have received a majority of the votes cast by the qualified electors of their respective congressional districts, as established by an ordinance of the convention adopted on the 8th day of March, 1868, and are entitled to certificates of election as members of the House of Representatives of the Congress of the United States for the said districts, as herein specified:

First congressional district.—John R. French.
Second congressional district.—David Heaton.
Third congressional district.—Oliver H. Dockey.
Fourth congressional district.—John F. Deweese.
Fifth congressional district.—Israel G. Lash.
Sixth congressional district.—Nathaniel Boyden.
Seventh congressional district.—Alexander H. Jones.

The certificates of election will be sent direct to the State executive and judicial officers, and to the members elect of the House of Representatives of the Congress of the United States; but, for convenience and safety of transmission, the certificates for the members elect of the general assembly will be sent to the commanding officer, post of Raleigh, for delivery upon application by the persons who are entitled to receive them.

For like reasons, the certificates for the county officers will be sent to the commanding officers of posts for the counties within their jurisdiction, for delivery or transmittal to the persons who are entitled to receive them.

A certified abstract of the returns made by the election officers will be prepared and deposited in the office of the secretary of state for the State of North Carolina.

Under the provisions of the constitution the general assembly of the State elected thereunder "shall meet on the 15th day after the approval thereof (the constitution) by the Congress of the United States, if it fall not on Sunday; but if it should so fall, then on the next day thereafter." (Article II, section 29.)

The officers of the executive department of the State, "first elected, shall

assume their duties 10 days after the approval of this constitution by the Congress of the United States." (Article III, section 1.)

The term of office of all officers of the judicial department "shall begin upon the approval of this constitution by the Congress of the United States." (Article IV, section 32.)

The county officers provided for and elected "shall enter upon their duties 10 days after the approval of this constitution by the Congress of the United States." (Article VII, section 10.)

But in order that there may be no confusion, delay, or failure in the administration of justice or other governmental functions, and to insure the safety of public property, the solicitors of judicial circuits, clerks of courts, sheriffs, coroners, and other executive officers charged with active administration duties, or with the care of public records, or the custody of public moneys or public property, will not be relieved from responsibility for the due discharge of the duties of their offices until their successors are duly qualified.

It is made the duty of the commanders of posts, within the limits of their respective jurisdictions, to see that the officers elect who are able to qualify under the Constitution and laws of the United States and the constitution and laws of the State, and have so qualified, are duly installed in the offices to which they have been elected and as above prescribed.

Under the requirements of the ninth section of the law of July 23, 1867, amendatory of the law of March 2, 1867, "to provide for the more efficient government of the rebel States," the officers elect, both of the legislative and executive departments, will, before entering upon the discharge of the duties of their offices, take and subscribe the oath of office prescribed by the law of July 2, 1862, "to prescribe an oath of office, and for other purposes." This oath will be taken in duplicate; one to be filed in the office of the secretary of state for the State of North Carolina, and the other to be forwarded to district headquarters.

If any of the State officers elected under the new constitution are disqualified by the third section of the proposed amendment to the Constitution of the United States, known as Article XIV, or are unable to take the oath prescribed by the law of July 2, 1862, they will not be allowed to discharge any official functions until the disability has been removed by the Congress of the United States, or unless the oath of office required by the ninth section of the above cited law shall have previously been dispensed with by law, or unless the said ninth section shall have become inoperative by the fact that the people of the State have been declared by law to be entitled to representation in the Congress of the United States.

By command of Brevet Major General Ed. R. S. Canby:

LOUIS V. CAZIARC,
Aide-de-Camp, A. A. A. G.

NOTE.—The announcement of the results of elections in the counties of Caswell and Haywood are made subject to final decision upon the conclusion of the investigation of charges of election frauds in those counties.

40TH CONGRESS, 2d Session. } HOUSE OF REPRESENTATIVES. { Ex. Doc. No. 301.

ELECTIONS IN NORTH CAROLINA AND SOUTH CAROLINA.

LETTER

FROM

THE GENERAL OF THE ARMY,

TRANSMITTING,

In further answer to a resolution of the House of the 13th ultimo, an abstract from General Canby, commanding second military district, relative to the recent election in North Carolina and South Carolina.

JUNE 3, 1868.—Referred to the Committee on Reconstruction and ordered to be printed.

HEADQUARTERS ARMY OF THE UNITED STATES,
Washington, D. C., June 2, 1868.

SIR: In further answer to House resolution of the 13th May, 1868, I have the honor to transmit herewith an abstract just received from General Canby, commanding second military district, of the votes cast for members of the House of Representatives of the Congress of the United States at the recent elections held in the States of North Carolina and South Carolina.

Very respectfully, your obedient servant,

U. S. GRANT, *General.*

Hon. SCHUYLER COLFAX,
Speaker House of Representatives.

Abstract exhibiting the canvass of votes for members of Congress in the several congressional districts of the State of North Carolina, at the election therein held on the 21st, 22d, and 23d days of April, 1868, under the authority of the second section of the law of March 11, 1867.

FIRST CONGRESSIONAL DISTRICT.

Counties.	Total number of votes given.	John R. French.	Henry A. Gilliam.	Scattering.
Currituck	1,303	433	870	.....
Camden	988	474	514	.....
Pasquotank	1,408	895	513	.....
Perquimans	1,414	869	532	13
Chowan	1,152	688	462	2
Hertford	1,373	788	585	.....
Gates	1,094	445	649	.....
Northampton	2,693	1,890	803	.....
Halifax	4,392	3,079	1,313	.....
Martin	1,849	934	915	.....
Bertie	1,908	1,304	604	.....
Washington	1,148	797	351	.....
Tyrrell	628	236	392	.....
Hyde	1,475	667	807	1
Beaufort	2,335	1,294	1,040	1
Total	25,160	14,793	10,350	17

SECOND CONGRESSIONAL DISTRICT.

Counties.	Total number of votes given.	David Heaton.	Thos. S. Kenan.	Scattering.
Pitt	3,008	1,752	1,256	.....
Craven	4,860	3,405	1,455	.....
Jones	1,034	593	441	.....
Lenoir	2,033	1,193	840	.....
Wayne	2,710	1,478	1,232	.....
Green	1,378	784	594	.....
Edgecombe	3,498	2,335	1,162	1
Wilson	1,795	917	878	.....
Onslow	1,130	404	726	.....
Carteret	1,806	885	908	13
Duplin	2,447	960	1,486	1
Total	25,799	14,706	10,978	15

Abstract exhibiting the canvass of votes for members of Congress, &c.—Cont'd.

THIRD CONGRESSIONAL DISTRICT.

Counties.	Total number of votes given.	O. H. Dockery.	Thos. C. Fuller.	Scattering.
New Hanover	5,805	3,570	2,234	1
Brunswick	1,565	785	780	.....
Columbus	1,258	435	823	.....
Bladen	2,240	1,270	970	.....
Sampson	2,191	1,023	1,168	.....
Cumberland	2,997	1,758	1,239	.....
Robeson	2,867	1,615	1,252	.....
Richmond	1,875	1,217	658	.....
Harnett	1,329	656	673	.....
Moore	1,819	1,085	734	.....
Montgomery	965	739	226	.....
Anson	1,830	989	841	.....
Total	26,741	15,142	11,598	1

FOURTH CONGRESSIONAL DISTRICT.

Counties.	Total number of votes given.	John F. Deweese.	Sam'l T. Williams.	Scattering.
Wake	5,623	3,305	2,318	.....
Franklin	2,656	1,430	1,226	.....
Warren	3,168	2,220	945	3
Granville	4,457	2,607	1,843	7
Nash	1,728	692	1,036	.....
Johnson	2,296	1,350	946	.....
Chatham	2,980	1,826	1,154	.....
Orange	3,158	1,313	1,844	1
Total	26,066	14,743	11,312	11

Abstract exhibiting the canvass of votes for members of Congress, &c.—Cont'd.

FIFTH CONGRESSIONAL DISTRICT.

Counties.	Total number of votes given.	Israel G. Lash.	David F. Caldwell.	Scattering.
Stanly	984	416	568	.....
Alamance	1,989	978	1,011	.....
Randolph	2,252	1,558	694	.....
Guildford	3,262	1,898	1,364	.....
Rockingham	1,347	690	657	.....
Davidson	2,525	1,706	819	.....
Forsyth	1,480	1,186	293	1
Stokes	1,208	761	447	.....
Surry	1,440	841	599	.....
Person	1,692	886	806	.....
Caswell	2,846	1,415	1,431	.....
Total	21,025	12,335	8,689	1

SIXTH CONGRESSIONAL DISTRICT.

Counties.	Total number of votes given.	Calvin I. Cowles.	Nat Boyden.	Scattering.
Rowan	2,787	1,161	1,626	.....
Cabarras	1,903	842	1,061	.....
Union	1,473	759	714	.....
Mecklenburg	3,622	1,700	1,922	.....
Gaston	1,404	805	599	.....
Lincoln	1,231	645	586	.....
Catawba	1,455	399	1,056	.....
Iredell	2,364	839	1,525	.....
Davie	1,223	499	724	.....
Yadkin	1,429	798	631	.....
Wilkes	1,976	1,439	537	.....
Alexander	861	365	496	.....
Total	21,728	10,251	11,477	.....

Abstract exhibiting the canvass of votes for members of Congress, &c.—Cont'd.

SEVENTH CONGRESSIONAL DISTRICT.

Counties.	Total number of votes given.	Alex. H. Jones.	Burgess S. Gaither.	Scattering.
Ashe	1,231	624	607	.....
Allegheny	471	237	234	.....
Wautauga	624	320	304	.....
Yancey	743	293	450	.....
Mitchell	660	543	117	.....
McDowell	1,178	675	503	.....
Burke	1,413	780	633	.....
Caldwell	990	383	607	.....
Rutherford	1,854	1,377	477	.....
Cleaveland	1,553	623	930	.....
Polk	490	399	91	.....
Transylvania	429	186	227	16
Buncombe	1,921	1,053	868	.....
Madison	855	550	305	.....
Haywood	811	403	408	.....
Jackson	733	234	499	.....
Macon	813	310	503	.....
Cherokee	643	387	256	.....
Clay	265	99	166	.....
Henderson	855	573	282	.....
Total	18,532	10,049	8,467	16

HEADQUARTERS 2D MILITARY DISTRICT,
Charleston, South Carolina, May, 1868.

I certify that the foregoing is a correct statement from the returns of the officers of election for the State of North Carolina made in pursuance of the authority of the law of March 11, 1867.

ED. R. S. CANBY,
Brig. and Brevet Major General Commanding.

Abstract exhibiting the canvass of votes for members of Congress in the several congressional districts of the State of South Carolina and for said State at large, at the election therein held on the 14th, 15th, and 16th days of April, 1868, under the authority of the second section of the law of March 11, 1867.

AT LARGE.

Counties.	J. P. M. Epping.	E. E. Dickson.	B. F. Perry.	James Chesnut.	A. Burt.	Scattering.
Abbeville	2,821	2,821	3	3	------	----
Anderson	1,281	1,281	----	------	------	----
Barnwell	3,343	2,709	----	------	------	2
Beaufort	4,916	4,916	----	------	------	4
Charleston	12,270	12,272	----	------	------	2
Clarendon	1,381	1,381	----	------	------	9
Chester	1,742	1,742	----	------	------	----
Chesterfield	712	712	----	------	------	----
Colleton	3,071	3,071	----	------	------	----
Darlington	2,608	2,608	----	------	------	----
Edgefield	3,311	3,311	----	------	------	2
Fairfield	1,986	1,986	----	------	------	----
Georgetown	2,471	2,471	----	------	------	----
Greenville	1,043	974	----	114	114	----
Horry	331	331	76	76	------	----
Kershaw	1,406	1,406	----	------	------	----
Lancaster	788	788	----	------	------	----
Laurens	1,895	1,895	----	------	------	----
Lexington	849	849	----	------	------	----
Marion	1,586	1,586	----	------	------	----
Marlborough	1,150	1,150	----	------	------	----
Newberry	2,044	2,044	----	------	------	----
Oconee	78	61	----	------	------	----
Orangeburg	2,957	2,957	----	------	------	----
Pickens	233	230	----	------	------	----
Richland	2,679	2,679	----	------	------	----
Spartanburg	1,322	1,321	----	------	------	----
Sumter	3,423	3,423	----	------	------	----
Union	1,389	1,389	----	------	------	----
Williamsburg	1,642	1,642	----	------	------	----
York	1,749	1,647	----	------	------	----
Total	68,477	67,653	79	193	114	19

Abstract exhibiting the canvass of votes for members of Congress, &c.—Cont'd.

FIRST CONGRESSIONAL DISTRICT.

Counties.	Total number of votes given.	B. F. Whittemore.	J. N. Frierson.	Scattering.
Lancaster	1,633	776	857	....
Chesterfield	1,393	712	680	1
Marlborough	1,666	1,186	478	2
Darlington	3,275	2,597	678	....
Marion	3,155	1,587	1,568	....
Horry	1,111	331	779	1
Georgetown	2,566	2,471	95	....
Williamsburg	1,933	1,642	291	....
Sumter	3,905	3,424	481	....
Clarendon	1,464	1,380	78	6
Kershaw	1,496	1,406	90	....
Total	23,597	17,512	6,075	10

SECOND CONGRESSIONAL DISTRICT.

Counties.	Total number of votes given.	C. C. Bowen.	W. H. Brisbane.	J. Haygood.	Scattering.
Charleston	12,050	11,907	143	.....	....
Colleton	3,143	2,691	344	108	....
Beaufort	4,925	59	4,835	28	3
Barnwell	3,963	3,343	.....	609	11
Total	24,081	18,000	5,322	745	14

THIRD CONGRESSIONAL DISTRICT.

Counties.	Total number of votes given.	Simeon Corley.	S. McGowan.	F. S. Lewis.	E. S. J. Hayes.	Scattering.
Orangeburg	4,108	2,957	1,151	....	....	....
Lexington	1,609	762	384	243	220	....
Richland	3,746	2,500	1,246	....	....	....
Newberry	2,120	2,043	77	....	....	....
Edgefield	4,379	3,311	1,067	....	....	1
Abbeville	3,921	2,821	1,100	....	....	....
Anderson	2,680	1,287	1,388	....	....	5
Total	22,563	15,681	6,413	243	220	6

Abstract exhibiting the canvass of votes for members of Congress, &c.—Cont'd.

FOURTH CONGRESSIONAL DISTRICT.

Counties.	Total number of votes given.	James H. Goss.	Samuel McAliley.	S. Pionear.	Scattering.
Oconee	732	89	643	....	....
Pickens	632	232	400	....	....
Greenville	2,360	1,586	771	....	3
Laurens	2,997	1,895	1,102	....	....
Spartanburg	3,319	1,344	1,975	....	....
Union	2,158	1,391	767	....	....
York	3,445	1,750	1,695	....	....
Chester	2,708	1,743	943	18	4
Fairfield	2,683	1,986	697	....	....
Total	21,034	12,016	8,993	18	7

HEADQUARTERS 2D MILITARY DISTRICT,
Charleston, South Carolina, May, 1868.

I certify that the foregoing is a correct statement from the returns of the officers of election for the State of South Carolina made in pursuance of the authority of the law of March 11, 1867.

ED. R. S. CANBY,
Brig. and Brevet Major General Commanding.

40TH CONGRESS, 2d Session. } HOUSE OF REPRESENTATIVES. { Ex. Doc. No. 302.

DISQUALIFICATION OF CERTAIN CIVIL OFFICERS.

LETTER

FROM

THE SECRETARY OF WAR,

TRANSMITTING,

A communication from the commanding general of the first military district, relative to the disqualification of certain civil officers by the State convention.

JUNE 3, 1868.—Referred to the Committee on Reconstruction and ordered to be printed.

WAR DEPARTMENT,
Washington City, June 3, 1868.

SIR: At the request of the General of the army, I have the honor to send herewith, for the consideration of the proper committee, a communication of May 15, from the commanding general of the first military district, relative to the disqualification of civil officers which will ensue on the ratification of the 14th article to the Constitution, in the State of Virginia.

Very respectfully, your obedient servant,

J. M. SCHOFIELD,
Secretary of War.

Hon. SCHUYLER COLFAX,
Speaker of the House of Representatives.

HEADQUARTERS FIRST MILITARY DISTRICT,
STATE OF VIRGINIA,
Richmond, Virginia, May 15, 1868.

GENERAL: I have the honor to invite your attention to a matter which I understand to be of great importance, and which, if I am correct, will demand the early attention of Congress.

I suppose the amendment to the Constitution of the United States, proposed by the thirty-ninth Congress, and known as article fourteen, will soon be declared to have been ratified and become a part of the Constitution; and I understand the effect will be to at once remove from office all persons who are disqualified by that amendment. If I am right in the above supposition and in my understanding of the effect of the proposed amendment, it becomes a matter of great importance to determine what is to be done in those States whose governments are still "provisional only." In the States which shall have been readmitted to representation in Congress no serious difficulty will exist, for the reason that in those States the only disqualification for office will be that contained in the

constitutional amendment, and hence an ample field will be left for the selection of persons to fill all the vacant offices, except, perhaps, the higher judgeships. But in the States not readmitted to representation the oath prescribed by the act of Congress of July 2, 1862, will still be required of all persons elected or appointed to any office.

I have called for reports which will give the number of officers of the various grades in Virginia who will be displaced by operation of the constitutional amendment, and will forward the specific information when obtained. For the present I can only state that the number will probably be several thousand, and that only a small proportion of the vacancies thus created can possibly be filled by persons possessing the necessary qualification, including ability to take the present test oath. In the judiciary department, to dispense with the test oath even would probably be insufficient, for nearly all lawyers of sufficient experience to fit them for the bench, held some office before the war, and hence are disqualified by the constitutional amendment.

I have already appointed in Virginia nearly 500 officers, and would have appointed more if qualified persons could be found. It is important to observe that the large majority of city, town, and county officers receive little or no compensation for their services. Hence, men who possess the necessary qualifications cannot be induced to accept such offices, except in the places where they reside and own property, or have substantial interests. Reports have been received from several portions of the State that no person can be found even to fill vacancies that now exist. When the constitutional amendment takes effect a large number of important offices must become vacant and remain so until restoration is completed, unless some relief is afforded by Congress.

Very respectfully, your obedient servant,

J. M. SCHOFIELD,
Brevet Major General.

General U. S. GRANT,
Washington, D. C.

Respeetfully forwarded to the Secretary of War, with recommendation that this letter be laid before Congress.

U. S. GRANT, *General.*

HEADQUARTERS A. U. S., *May* 18, 1868.

O

40TH CONGRESS, 2d Session. } HOUSE OF REPRESENTATIVES. { Ex. Doc. No. 303.

ELECTION IN ALABAMA.

LETTER

FROM

THE SECRETARY OF WAR,

TRANSMITTING

A communication from the General of the army, with a report by Major General Meade, commanding 3d military district, relative to the recent election in Alabama, supplemental to his report sent to the House on the twenty-seventh of March last.

JUNE 3, 1868.—Referred to the Committee on Reconstruction and ordered to be printed.

WAR DEPARTMENT,
Washington City, June 3, 1868.

SIR: I have the honor to send herewith a communication of the 1st instant, from the General of the army, with a report from Major General Meade, commanding 3d military district, relative to the election in Alabama, dated May 27, which it is desired may be made a part of his report on the same subject sent to the House of Representatives on the 27th of March last.

Very respectfully, your obedient servant,

J. M. SCHOFIELD,
Secretary of War.

Hon. SCHUYLER COLFAX,
Speaker of the House of Representatives.

HEADQUARTERS ARMY OF THE UNITED STATES,
Washington, D. C., June 1, 1868.

SIR: I have the honor to forward herewith copy of report from General Meade, commanding 3d military district, relative to the election in Alabama, which the General requests may be made a part of his report on the same subject transmitted to the honorable Secretary of War from these headquarters March 27, 1868. If said report has been furnished the House of Representatives, it is recommended that this also be sent, to be made a part of it.

Very respectfully, your obedient servant,

U. S. GRANT,
General.

Hon. J. M. SCHOFIELD,
Secretary of War.

HEADQUARTERS THIRD MILITARY DISTRICT,
DEPARTMENT OF GEORGIA, FLORIDA, AND ALABAMA,
Atlanta, Georgia, May 27, 1868.

GENERAL: I have the honor to transmit, herewith enclosed, a copy of the report of the superintendent of registration for Alabama, relative to the election held in that State, and which I desire should be considered as part of my report of March 23, 1868. The superintendent's report was not received at these headquarters until quite recently; hence the delay in forwarding it.

Very respectfully, your obedient servant,

GEORGE G. MEADE,
Major General U. S. A.

General U. S. GRANT, *Washington, D. C.*

HEADQUARTERS SUB-DISTRICT OF ALABAMA,
DEPARTMENT OF CIVIL AFFAIRS,
Montgomery, Alabama, May 9, 1868.

GENERAL: I have the honor herewith to hand you, in condensed form, the report of the officers detailed to act as inspectors of election in the several counties of the State, made in conformity to the letter of Major W. T. Hartz, A. A. A. G., dated February 21, 1868.

This report has been delayed in consequence of no reports having been received from a number of counties until within a short time, and from several I have only received reports since I commenced my report, while from four, namely, Choctaw, Calhoun, Cleburne, and Hale, no reports at all have been received.

In making my report I have endeavored to give everything material reported by the officers, and at the same time so condense as not to make it too voluminous.

In some cases I have not been able to condense without destroying the sense, and in these cases I have copied the whole of that part of the reports of the officers. These you will find attached and marked, respectively, A, B, C, D, E.

I have the honor to be, very respectfully, your obedient servant,

W. T. HATCHETT,
Superintendent Registration.

Brevet Brig. Gen. O. L. SHEPHERD,
Commanding Sub-District of Alabama, Montgomery.

Official:

R. C. DRUM,
Assistant Adjutant General.

HEADQUARTERS SUB-DISTRICT OF ALABAMA,
Montgomery, Alabama, February 13, 1868.

CAPTAIN: By direction of the brevet brigadier general commanding, you will direct the officer sent to you for inspection duty, to make his report at the earliest practicable moment (by telegraph whenever possible) direct to these headquarters, giving personal knowledge as to the number of polling places, number of boxes opened, number of days during which the election was held, as well as the number of hours the polls were opened per diem in each county that he may be ordered to visit; and after having made this tour of inspection, he will then make such investigations throughout your whole post as will enable the general to judge of the accuracy and fidelity of the reports which may be received from the chairman of the boards of registration of the several counties.

Copy of questions addressed to chairman of boards enclosed for your information.

These county reports will be sent by mail as fast as made whenever an opportunity offers to get them on a sure line of communication.

You will use the officers of your post to find out the said information in counties right around your station.

I am, captain, very respectfully, your obedient servant,

W. T. HARTZ,
Brevet Major U. S. Army, A. A. A. General.

Captain ROBERT HARRISON,
33d Inf., Comd'g Post of Huntsville, Huntsville, Alabama.

Official:

R. C. DRUM,
Assistant Adjutant General.

HEADQUARTERS SUB-DISTRICT OF ALABAMA,
DEPARTMENT OF CIVIL AFFAIRS,
Montgomery, Alabama, February 21, 1868.

COLONEL: To the end that the commanding officer of this sub-district may be able to judge of the accuracy and fidelity of the reports received from the chairman of boards of registration, in reply to circular letter from these headquarters of the 10th instant, copy herewith enclosed, the officers now on duty within your post, engaged in furnishing reports as to polling places, ballot-boxes, &c., immediately upon having completed said duty, will act as inspectors general of election, and obtain all the information practicable called for by the above circular letter.

I am, colonel, very respectfully, your obedient servant,

W. T. HARTZ,
Brevet Major U. S. Army, A. A. A. General.

Brevet Lieut. Col. E. McK. HUDSON,
Commanding Post of Mobile, Mobile, Alabama.

Official:

R. C. DRUM,
Assistant Adjutant General.

Similar orders were sent to the commanders of the posts of Selma and Montgomery.

HEADQUARTERS SUB-DISTRICT OF ALABAMA,
Montgomery, Alabama, February 10, 1868.

SIR: You will assemble the board of registrars for your county and send to these headquarters, without delay, answers to the following questions, viz:

By order of Brevet Brigadier General J. Hayden.

Official:

R. C. DRUM,
Assistant Adjutant General.

Chairman BOARD OF REGISTRARS,
——— *County.*

ELMORE COUNTY.

1. How many election precincts were opened in your county during the recent vote on the constitution submitted to the people for ratification?—One.

2. How many boxes were opened at each precinct for reception of votes?—One.

3. How were the number of precincts and the number of boxes to be used at each determined upon?—Registrars.

4. In what manner and by whom were the judges or managers of the election selected?—No definite answer could be had.

5. Were they duly sworn and required to take the "test oath;" and if not why not?—Could not learn.

6. Did your board, during its deliberations, make such arrangements as would insure to the people all necessary facilities for casting their votes?—No.

7. For how many days were the polls kept open in your county, and why were they not kept open for five days?—Five days.

8. During the progress of the voting did the members of your board visit the several polling places in each precinct; and if not, why not?—Yes.

9. Did they carefully note whether or not the managers or judges were faithfully and properly discharging the duties of their office; and if not, why not?—In some instances he did not do his duty.

10. Did any of the members of your board, or any of the managers of election canvass for votes for or against the constitution, or in any otherwise take a prominent part in the election during its progress, outside of their bounden duty as registrars or managers; and if they did, who are they, and what did they do?—Yes. Mr. Williams, registrar, refused vote of colored man evidently legal. Mr. Lawson, judge, ridiculed negroes who came to vote, and threatened to have them discharged for voting. Others were allowed to ridicule and embarrass them when they came to vote. The managers told a Mr. Deloney that 1,000 or 1,200 votes were polled, and only about 800 counted.

11. Was the attention of the members of your board given to the manner in which the reception of votes was being conducted, and was everything noticed and corrected which, in your opinion, was calculated to obstruct the voting?—Yes.

12. Was any obstruction offered at the polls calculated to prevent a free and full vote; and if there was, state its kind and character, and also what measures were taken to suppress it; and if no effort was made to protect the voter in his rights, who is to be held responsible for the same?—Yes, but no means taken to prevent it.

13. Have you knowledge of any means being resorted to, away from the polls, intended to prevent a full and free expression of opinion by the ballot; and if so, state its kind and character, and the names of those whom you know to have been engaged in the same?—Mr. A. G. Gue threatened to discharge Hark Hamilton, and be his enemy for life, if he voted.

14. Was the notice that the lists of registered voters would be opened for revision given to the people; and were the lists kept open for revision for five days; and if not, why not?—Not answered.

15. The number of registered voters being known, what should be considered a fair average vote for your county at this season of the year?—Twenty-two hundred or twenty-three hundred.

16. How does the number of white votes cast compare with the number of white registered voters, and what is the cause of the difference?—Twelve or 15 whites voted, while 1,000 or 1,200 registered; cause, deterred by threats, intense excitement against them, and fear of private injury.

17. How does the present vote of your county compare with its average fair

vote, and; if below that average, what has been the cause of that falling off?—Not much over a fair average vote polled; cause, same as No. 16.

18. What is the political status of the members of your board, as well as that of the managers of election; were they opposed to reconstructing under the acts of Congress, or otherwise minded; and if by chance there be any who are opposed to reconstruction, who are they, and how and by whom were they appointed?—The judges are opposed to reconstruction; so is Mr. Williams, one of the registrars, who is said to have appointed the judges. Mr. Boon, the chairman, is most probably in favor of reconstruction; Mr. Prewitt, not known.

AUGUSTA COUNTY.

1. How many election precincts were opened in your county during the recent vote on the constitution submitted to the people for their ratification?—One.

2. How many boxes were opened at each precinct for reception of votes?—One.

3. How were the number of precincts and number of boxes to be used at each determined upon?—Chairman board registration.

4. In what manner and by whom were the judges or managers of the election selected?—Chairman board registration.

5. Were they duly sworn and required to take the "test oath;" and if not, why not?—Yes.

6. Did your board, during its deliberations, make such arrangements as would insure to the people all necessary facilities for casting their votes?—Yes.

7. For how many days were the polls kept open in your county, and why were they not kept open for five days?—Five days.

8. During the progress of the voting did the members of your board visit the several polling places in each precinct; and if not, why not?—Only one, owing to size of county.

9. Did they carefully note whether or not the managers or judges were faithfully and properly discharging the duties of their office; and if not, why not?—Yes.

10. Did any of the members of your board, or any of the managers of election, canvass for votes for or against the constitution, or in any otherwise take a prominent part in the election during its progress, outside of their bounden duty as registrars or managers; and if they did, who are they, and what did they do?—No.

11. Was the attention of the members of your board given to the manner in which the reception of votes was being conducted, and was everything noticed and corrected which, in your opinion, was calculated to obstruct the voting?—No.

12. Was any obstruction offered at the polls calculated to prevent a free and full vote; and if there was, state its kind and character, and also what measures were taken to suppress it; and if no effort was made to protect the voter in his rights, who is to be held responsible for the same?—No.

13. Have you knowledge of any means being resorted to, away from the polls, intended to prevent a full and free expression of opinion by the ballot; and if so, state its kind and character, and the names of those whom you know to have been engaged in the same?—Threats of discharge; and many were discharged for voting. W. De Bardelaben, T. D. Corey, James Nunn, Fred Nunn, Daniel Pratt, Oscar Nunn, J. Walker, Bill Walker, and others did so.

14. Was the notice that the lists of registered voters would be opened for revision given to the people; and were the lists kept open for revision for five days; and if not, why not?—Yes.

15. The number of registered voters being known, what should be considered

a fair average vote for your county at this season of the year?—Twenty-three hundred; perhaps 100 were kept away by high water.

16. How does the number of white votes cast compare with the number of white registered voters, and what is the cause of the difference?—Number of whites registered, 900; number of whites voted, about 200; reason, desire to defeat reconstruction.

17. How does the present vote of your county compare with its average fair vote; and if below that average, what has been the cause of the falling off?—Average white vote would be about 800; falling off is caused by opposition to reconstruction.

18. What is the political status of the members of your board, as well as that of the managers of election; were they opposed to reconstructing under the acts of Congress, or otherwise minded; and if by chance there be any who are opposed to reconstruction, who are they, and how, and by whom were they appointed?—Managers or judges all in favor of reconstruction; registrars same as the above, Elmore and Autauga being one district, and were appointed by Mr. Hatchett, superintendent registrar.

CHAMBERS COUNTY.

1. How many election precincts were opened in your county during the recent vote on the constitution submitted to the people for ratification?—Two.

2. How many boxes were opened at each precinct for reception of votes?—One.

3. How were the number of precincts and number of boxes to be used at each determined upon?—Could get no answer.

4. In what manner and by whom were the judges or managers of the election selected?—Registrars.

5. Were they duly sworn and required to take the "test oath," and if not, why not?—Think they were.

6. Did your board, during its deliberations, make such arrangements as would insure to the people all necessary facilities for casting their votes?—Yes.

7. For how many days were the polls kept open in your county, and why were they not kept open for five days?—Four days. Did not get orders to extend.

8. During the progress of the voting did the members of your board visit the several polling places in each precinct; and if not, why not?—At only one precinct.

9. Did they carefully note whether, or not, the managers, or judges, were faithfully and properly discharging the duties of their office; and if not, why not?—Yes.

10. Did any of the members of your board, or any of the managers of election, canvass for votes for or against the constitution, or in any otherwise take a prominent part in the election during its progress, outside of their bounden duty as registrars; or managers, and if they did, who are they, and what did they do?—No.

11. Was the attention of the members of your board given to the manner in which the reception of votes was being conducted, and was everything noticed and corrected which, in your opinion, was calculated to obstruct the voting?—Yes.

12. Was any obstruction offered at the polls calculated to prevent a free and full vote; and if there was, state its kind and character, and also what measures were taken to suppress it; and if no effort was made to protect the voter in his rights, who is to be held responsible for the same?—No.

13. Have you knowledge of any means being resorted to, away from the polls, intended to prevent a full and free expression of opinion by the ballot; and

if so, state its kind and character, and the names of those whom you know to have been engaged in the same.—Don't know of any.

14. Was the notice that the lists of registered voters would be opened for revision given to the people; and were the lists kept open for revision for five days; and if not, why not?—Yes.

15. The number of registered voters being known, what should be considered a fair average vote for your county at this season of the year?—Two thousand two hundred to two thousand four hundred.

16. How does the number of white votes cast compare with the number of white registered voters, and what is the cause of the difference?—One thousand four hundred whites registered, but only 23 voted. Cause, wished in this way to defeat the constitution.

17. How does the present vote of your county compare with its average fair vote; and if below that average, what has been the cause of the falling off?—Not more than one-third fair vote. Cause given in answer to No. 16.

18. What is the political status of the members of your board, as well as that of the managers of election; were they opposed to reconstructing under the acts of Congress, or otherwise minded; and if by chance there be any who are opposed to reconstruction, who are they, and how and by whom were they appointed?—All favor reconstruction.

RUSSELL COUNTY.

1. How many election precincts were opened in your county during the recent vote on the constitution submitted to the people for ratification?—Three.

2. How many boxes were opened at each precinct for reception of votes?—One.

3. How were the number of precincts and number of boxes to be used at each determined upon?—Registrars.

4. In what manner and by whom were the judges or managers of the election selected?—Registrars.

5. Were they duly sworn and required to take the "test oath," and if not, why not?—No. Does not say why.

6. Did your board, during its deliberations, make such arrangements as would insure to the people all necessary facilities for casting their votes?—Yes.

7. For how many days were the polls kept open in your county, and why were they not kept open for five days?—Four days at two precincts, five days at one. Did not get order to extend.

8. During the progress of the voting did the members of your board visit the several polling places in each precinct; and if not, why not?—Yes.

9. Did they carefully note whether or not the managers, or judges, were faithfully and properly discharging the duties of their office; and if not, why not?—Yes.

10. Did any of the members of your board, or any of the managers of election, canvass for votes for or against the constitution, or in any otherwise take a prominent part in the election during its progress, outside of their bounden duty as registrars, or managers; and if they did, who are they, and what did they do?—No.

11. Was the attention of the members of your board given to the manner in which the reception of votes was being conducted, and was everything noticed and corrected which, in your opinion, was calculated to obstruct the voting?—Yes.

12. Was any obstruction offered at the polls calculated to prevent a free and full vote; and if there was, state its kind and character, and also what measures were taken to suppress it; and if no effort was made to protect the voter in his rights, who is to be held responsible for the same?—Yes, by three men, who

challenged voters and asked all manner of useless queries and took the names of all who voted, and said they would not employ or associate with any who voted.

13. Have you knowledge of any means being resorted to, away from the polls, intended to prevent a full and free expression of opinion by the ballot; and if so, state its kind and character, and the names of those whom you know to have been engaged in the same.—Negroes were discharged for voting. John Gilcrease and Bevery Harris and many others did so.

14. Was the notice that the lists of registered voters would be opened for revision given to the people; and were the lists kept open for revision for five days; and if not, why not?—Yes.

15. The number of registered voters being known, what should be considered a fair average vote for your county at this season of the year?—It was the largest vote ever polled in the county.

16. How does the number of white votes cast compare with the number of white registered voters, and what is the cause of the difference?—Only one white man out of every 36 who had registered voted.

17. How does the present vote of your county compare with its average fair vote; and if below that average, what has been the cause of the falling off?—The largest vote ever polled in this county.

18. What is the political status of the members of your board, as well as that of the managers of election; were they opposed to reconstructing under the acts of Congress, or otherwise minded; and if by chance there be any who are opposed to reconstruction, who are they, and how and by whom were they appointed?—Think the registrars are all in favor of reconstruction. Did not ask judges.

TALLAPOOSA COUNTY.

1. How many election precincts were opened in your county during the recent vote on the constitution submitted to the people for ratification?—One.

2. How many boxes were opened at each precinct for reception of votes?—Two.

3. How were the number of precincts and number of boxes to be used at each determined upon?—Registrars.

4. In what manner and by whom were the judges or managers of the election selected?—Registrars.

5. Were they duly sworn and required to take the "test oath," and if not, why not?—Could get no answer.

6. Did your board, during its deliberations, make such arrangements as would insure to the people all necessary facilities for casting their votes?—Yes.

7. For how many days were the polls kept open in your county, and why were they not kept open for five days?—Four days. Order to extend not received.

8. During the progress of the voting did the members of your board visit the several polling places in each precinct, and if not, why not?—Yes.

9. Did they carefully note whether or not the managers, or judges, were faithfully and properly discharging the duties of their office; and if not, why not?—Could get no answer.

10. Did any of the members of your board, or any of the managers of election, canvass for votes for or against the constitution, or in any otherwise take a prominent part in the election during its progress, outside of their bounden duty as registrars, or managers; and if they did, who are they, and what did they do?—No.

11. Was the attention of the members of your board given to the manner in which the reception of votes was being conducted, and was everything noticed

and corrected which, in your opinion, was calculated to obstruct the voting?—Colored voters asked how they wished to vote. Men to note who voted. Not prevented.

12. Was any obstruction offered at the polls calculated to prevent a free and full vote; and if there was, state its kind and character, and also what measures were taken to suppress it; and if no effort was made to protect the voter in his rights, who is to be held responsible for the same?—No satisfactory answer could be got.

13. Have you knowledge of any means being resorted to, away from the polls, intended to prevent a full and free expression of opinion by the ballot; and if so, state its kind and character, and the names of those whom you know to have been engaged in the same?—Persuasion and arguments were used by whites generally to hinder the colored people from voting.

14. Was the notice that the lists of registered voters would be opened for revision given to the people; and were the lists kept open for revision for five days; and if not, why not?—Yes.

15. The number of registered voters being known, what should be considered a fair average vote for your county at this season of the year?—One thousand five hundred.

16. How does the number of white votes cast compare with the number of white registered voters, and what is the cause of the difference?—Out of 1,500 whites who were registered about 20 voted. Cause, opposition to constitution.

17. How does the present vote of your county compare with its average fair vote; and if below that average, what has been the cause of the falling off?—Below a fair average vote. Cause opposition to constitution.

18. What is the political status of the members of your board, as well as that of the managers of election; were they opposed to reconstructing under the acts of Congress, or otherwise minded; and if by chance there be any who are opposed to reconstruction, who are they, and how and by whom were they appointed?—One member of the board was opposed to reconstruction, Mr. Wagner. Don't know by whom appointed.

COOSA COUNTY.

1. How many election precincts were opened in your county during the recent vote on the constitution submitted to the people for ratification?—Three.

2. How many boxes were opened at each precinct for reception of votes?—Three.

3. How were the number of precincts and number of boxes to be used at each determined upon?—Registrars.

4. In what manner and by whom were the judges or managers of the election selected?—Could get no answer to No. 4.

5. Were they duly sworn and required to take the "test oath;" and if not, why not?—Don't know.

6. Did your board, during its deliberations, make such arrangements as would insure to the people all necessary facilities for casting their votes?—Were not presented.

7. For how many days were the polls kept open in your county, and why were they not kept open for five days?—Two days. Got no order to extend.

8. During the progress of the voting did the members of your board visit the several polling places in each precinct; and if not, why not?—No. Don't know why.

9. Did they carefully note whether or not the managers, or judges, were faithfully and properly discharging the duties of their office; and if not, why not?—No.

10. Did any of the members of your board, or any of the managers of elec-

tion, canvass for votes for or against the constitution, or in any otherwise take a prominent part in the election during its progress, outside of their bounden duty as registrars, or managers; and if they did, who are they, and what did they do?—No.

11. Was the attention of the members of your board given to the manner in which the reception of votes was being conducted, and was everything noticed and corrected which, in your opinion, was calculated to obstruct the voting?—No.

12. Was any obstruction offered at the polls calculated to prevent a free and full vote; and if there was, state its kind and character, and also what measures were taken to suppress it; and if no effort was made to protect the voter in his rights, who is to be held responsible for the same?—Yes, by one.

13. Have you knowledge of any means being resorted to, away from the polls, intended to prevent a full and free expression of opinion by the ballot; and if so, state its kind and character, and the names of those whom you know to have been engaged in the same?—Walter Knight and Noah Whetstone discharged negroes for voting.

14. Was the notice that the lists of registered voters would be opened for revision given to the people; and were the lists kept open for revision for five days; and if not, why not?—Could get no answer.

15. The number of registered voters being known, what should be considered a fair average vote for your county at this season of the year?—Seven hundred or eight hundred.

16. How does the number of white votes cast compare with the number of white registered voters, and what is the cause of the difference?—Not more than one-third of the whites voted. Cause, opposition to negro suffrage.

17. How does the present vote of your county compare with its average fair vote; and if below that average, what has been the cause of the falling off?—Below the average. Cause, opposition to negro suffrage.

18. What is the political status of the members of your board, as well as that of the managers of election; were they opposed to reconstructing under the acts of Congress, or otherwise minded; and if by chance there be any who are opposed to reconstruction, who are they, and how and by whom were they appointed?—Majority republicans.

MONTGOMERY COUNTY.

1. How many election precincts were opened in your county during the recent vote on the constitution submitted to the people for ratification?—One.

2. How many boxes were opened at each precinct for reception of votes?—Seven.

3. How were the number of precincts and number of boxes to be used at each determined upon?—Board of registrars.

4. In what manner and by whom were the judges or managers of the election selected?—Board of registrars.

5. Were they duly sworn and required to take the "test oath;" and if not, why not?—Yes.

6. Did your board, during its deliberations, make such arrangements as would insure to the people all necessary facilities for casting their votes?—No.

7. For how many days were the polls kept open in your county, and why were they not kept open for five days?—Five days.

8. During the progress of the voting did the members of your board visit the several polling places in each precinct; and if not, why not?—Yes.

9. Did they carefully note whether or not the managers, or judges, were faithfully and properly discharging the duties of their office; and if not, why not?—No.

10. Did any of the members of your board, or any of the managers of election, canvass for votes for or against the constitution, or in any otherwise take a prominent part in the election during its progress, outside of their bounden duty as registrars, or managers; and if they did, who are they, and what did they do?—No.

11. Was the attention of the members of your board given to the manner in which the reception of votes was being conducted, and was everything noticed and corrected which, in your opinion, was calculated to obstruct the voting?—No.

12. Was any obstruction offered at the polls calculated to prevent a free and full vote; and if there was, state its kind and character, and also what measures were taken to suppress it; and if no effort was made to protect the voter in his rights, who is to be held responsible for the same?—There were men present who threatened to discharge men for voting. Nothing done to suppress. Great delay by unnecessary challenging. Judges openly cursed by rebels.

13. Have you knowledge of any means being resorted to, away from the polls, intended to prevent a full and free expression of opinion by the ballot; and if so, state its kind and character, and the names of those whom you know to have been engaged in the same?—It was common to threaten those voting with ostracism. Patrick Robinson did discharge. McVay threatened to do so. The Alabama and Florida railroad did so. Many were afraid to vote for fear of discharge.

14. Was the notice that the lists of registered voters would be opened for revision given to the people; and were the lists kept open for revision for five days and if not, why not?—Yes; but very imperfectly given.

15. The number of registered voters being known, what should be considered a fair average vote for your county at this season of the year?—The county could poll 7,000 votes on ordinary occasions.

16. How does the number of white votes cast compare with the number of white registered voters, and what is the cause of the difference?—They don't compare at all. They were threatened with ostracism and oppression in business.

17. How does the present vote of your county compare with its average fair vote; and if below that average, what has been the cause of the falling off?—The vote is not so large as at the former election.

18. What is the political status of the members of your board, as well as that of the managers of election; were they opposed to reconstructing under the acts of Congress, or otherwise minded; and if by chance there be any who are opposed to reconstruction, who are they, and how and by whom were they appointed?—The chairman of the board was opposed to reconstruction and was appointed by General Hayden. A. Edwards, one of the judges, also opposed; appointed by chairman of board.

MACON COUNTY.

1. How many election precincts were opened in your county during the recent vote on the constitution submitted to the people for ratification?—One.

2. How many boxes were opened at each precinct for reception of votes?—Two.

3. How were the number of precincts and number of boxes to be used at each determined upon?—Board of registrars.

4. In what manner and by whom were the judges or managers of the election selected?—Board of registrars.

5. Were they duly sworn and required to take the "test oath;" and if not, why not?—Yes.

6. Did your board, during its deliberations, make such arrangements as would insure to the people all necessary facilities for casting their votes?—Yes.

7. For how many days were the polls kept open in your county, and why were they not kept open for five days?—Five days.

8. During the progress of the voting did the members of your board visit the several polling places in each precinct; and if not, why not?—Yes.

9. Did they carefully note whether or not the managers, or judges, were faithfully and properly discharging the duties of their office; and if not, why not?—Yes.

10. Did any of the members of your board, or any of the managers of election, canvass for votes for or against the constitution, or in any otherwise take a prominent part in the election during its progress, outside of their bounden duty as registrars, or managers; and if they did, who are they, and what did they do?—No.

11. Was the attention of the members of your board given to the manner in which the reception of votes was being conducted, and was everything noticed and corrected which, in your opinion, was calculated to obstruct the voting?—Yes.

12. Was any obstruction offered at the polls calculated to prevent a free and full vote; and if there was, state its kind and character, and also what measures were taken to suppress it; and if no effort was made to protect the voter in his rights, who is to be held responsible for the same?—No.

13. Have you knowledge of any means being resorted to, away from the polls, intended to prevent a full and free expression of opinion by the ballot; and if so, state its kind and character, and the names of those you know to have been engaged in the same?—Do not know of any.

14. Was the notice that the lists of registered voters would be opened for revision given to the people; and were the lists kept open for revision for five days; and if not, why not?—Yes.

15. The number of registered voters being known, what should be considered a fair average vote for your county at this season of the year?—About 2,500.

16. How does the number of white votes cast compare with the number of white registered voters, and what is the cause of the difference?—Four whites were cast out of 800 registered. The whites almost unanimously opposed to reconstruction.

17. How does the present vote of your county compare with its average fair vote; and if below that average, whathas been the cause of the falling off?—900 below; the cause is opposition to reconstruction.

18. What is the political status of the members of your board, as well as that of the managers of election; were they opposed to reconstructing under the acts of Congress, or otherwise minded; and if by chance there be any who are opposed to reconstruction, who are they, and how and by whom were they appointed?—Registrars favor reconstruction; managers opposed; but no others could be got to take the oath.

LEE COUNTY.

1. How many election precincts were opened in your county during the recent vote on the constitution submitted to the people for ratification?—Two.

2. How many boxes were opened at each precinct for reception of votes?—Two at one; one at one.

3. How were the number of precincts and number of boxes to be used at each determined upon?—Member of the board, H. K. Quillin.

4. In what manner and by whom were the judges or managers of the election selected?—Member of the board, H. K. Quillin.

5. Were they duly sworn and required to take the "test oath;" and if not, why not?—Yes.

6. Did your board, during its deliberations, make such arrangements as would insure to the people all necessary facilities for casting their votes?—No.

7. For how many days were the polls kept open in your county, and why were they not kept open for five days?—Five days at one; three days at one; inattention of registrars.

8. During the progress of the voting did the members of your board visit the several polling places in each precinct and if not, why not?—No; don't know why.

9. Did they carefully note whether or not the managers, or judges, were faithfully and properly discharging the duties of their office; and if not, why not?—Not over half the time.

10. Did any of the members of your board, or any of the managers of election, canvass for votes for or against the constitution, or in any otherwise take a prominent part in the election during its progress, outside of their bounden duty as registrars, or managers; and if they did, who are they, and what did they do?—No; but one did indirectly use his influence against ratification.

11. Was the attention of the members of your board given to the manner in which the reception of votes was being conducted, and was everything noticed and corrected which, in your opinion, was calculated to obstruct the voting?—No.

12. Was any obstruction offered at the polls calculated to prevent a free and full vote; and if there was, state its kind and character, and also what measures were taken to suppress it; and if no effort was made to protect the voter in his rights, who is to be held responsible for the same?—No; board responsible.

13. Have you knowledge of any means being resorted to, away from the polls, intended to prevent a full and free expression of opinion by the ballot; and if so, state its kind and character, and the names of those whom you know to have been engaged in the same?—Threats to discharge for voting; John Lambkin did.

14. Was the notice that the lists of registered voters would be opened for revision given to the people; and were the lists kept open for five days; and if not, why not?—Yes.

15. The number of registered voters being known, what should be considered a fair average vote for your county at this season of the year?—About 2,000.

16. How does the number of white votes cast compare with the number of white registered voters, and what is the cause of the difference?—30 or 40 whites out of 1,500 registered.

17. How does the present vote of your county compare with its average fair vote; and if below that average, what has been the cause of the falling off?—1,000 below.

18. What is the political status of the members of your board, as well as that of the managers of election; were they opposed to reconstructing under the acts of Congress, or otherwise minded; and if by chance there be any who are opposed to reconstruction, who are they, and how and by whom were they appointed?—H. K. Quillin, registrar, and F. T. Boazman, judge, are both opposed.

RANDOLPH COUNTY.

1. How many election precincts were opened in your county during the recent vote on the constitution submitted to the people for ratification?—Three.

2. How many boxes were opened at each precinct for reception of votes?—One.

3. How were the number of precincts and number of boxes to be used at each determined upon?—Board of registrars.

4. In what manner and by whom were the judges or managers of the election selected?—Board of registrars.

5. Were they duly sworn and required to take the "test oath;" and if not, why not?—Do not know.

6. Did your board, during its deliberations, make such arrangements as would insure to the people all necessary facilities for casting their votes ?—Yes.

7. For how many days were the polls kept open in your county, and why were they not kept open for five days ?—Four days; did not get order to extend.

8. During the progress of the voting did the members of your board visit the several polling places in each precinct; and if not, why not ?—Yes.

9. Did they carefully note whether or not the managers, or judges, were faithfully and properly discharging the duties of their office; and if not, why not ?—Yes.

10. Did any of the members of your board, or any of the managers of election, canvass for votes for or against the constitution, or in any otherwise take a prominent part in the election during its progress, outside of their bounden duty as registrars, or managers; and if they did, who are they, and what did they do ?—No.

11. Was the attention of the members of your board given to the manner in which the reception of votes was being conducted, and was everything noticed and corrected which, in your opinion, was calculated to obstruct the voting ?—Yes.

12. Was any obstruction offered at the polls calculated to prevent a free and full vote; and if there was, state its kind and character, and also what measures were taken to suppress it; and if no effort was made to protect the voter in his rights, who is to be held responsible for the same ?—No.

13. Have you knowledge of any means being resorted to, away from the polls, intended to prevent a full and free expression of opinion by the ballot; and if so, state its kind and character, and the names of those whom you know to have been engaged in the same ?—Do not know of any.

14. Was the notice that the lists of registered voters would be opened for revision given to the people; and were the lists kept open for revision for five days; and if not, why not ?—Yes.

15. The number of registered voters being known, what should be considered a fair average vote for your county at this season of the year ?—1,000; cause, bad roads and weather and change in number of precincts.

16. How does the number of white votes cast compare with the number of white registered voters, and what is the cause of the difference ?—All the registered voters in this county are whites except about 250 freedmen.

17. How does the present vote of your county compare with its average fair vote; and if below that average, what has been the cause of the falling off ?—See answer to No. 15.

18. What is the political status of the members of your board, as well as that of the managers of election; were they opposed to reconstructing under the acts of Congress, or otherwise minded; and if by chance there be any who are opposed to reconstruction, who are they, and how and by whom were they appointed ?—All favor reconstruction.

CLAY COUNTY.

1. How many election precincts were opened in your county during the recent vote on the constitution submitted to the people for ratification ?—Two.

2. How many boxes were opened at each precinct for reception of votes ?—One.

3. How were the number of precincts and number of boxes to be used at each determined upon ?—Board of registrars.

4. In what manner and by whom were the judges or managers of the election selected ?—Board of registrars.

5. Were they duly sworn and required to take the "test oath;" and if not, why not ?—Yes.

6. Did your board, during its deliberations, make such arrangements as would insure to the people all necessary facilities for casting their votes?—Yes.

7. For how many days were the polls kept open in your county, and why were they not kept open for five days?—Four days; did not get order to extend.

8. During the progress of the voting did the members of your board visit the several polling places in each precinct; and if not, why not?—Yes.

9. Did they carefully note whether or not the managers, or judges, were faithfully and properly discharging the duties of their office; and if not, why not?—Yes.

10. Did any of the members of your board, or any of the managers of election, canvass for votes for or against the constitution, or in any otherwise take a prominent part in the election during its progress, outside of their bounden duty as registrars, or managers; and if they did, who are they, and what did they do?—No.

11. Was the attention of the members of your board given to the manner in which the reception of votes was being conducted, and was everything noticed and corrected which, in your opinion, was calculated to obstruct the voting?—Yes.

12. Was any obstruction offered at the polls calculated to prevent a free and full vote; and if there was, state its kind and character, and also what measures were taken to suppress it; and if no effort was made to protect the voter in his rights, who is to be held responsible for the same?—No.

13. Have you knowledge of any means being resorted to, away from the polls, intended to prevent a full and free expression of opinion by the ballot; and if so, state its kind and character, and the names of those whom you know to have been engaged in the same?—Know of none, except that men of conservative club said they would not associate with any who voted for constitution, and threatened to discharge men for voting; Mr. Merrit Street did this.

14. Was the notice that the lists of registered voters would be opened for revision given to the people; and were the lists kept open for revision for five days; and if not, why not?—Yes.

15. The number of registered voters being known, what should be considered a fair average vote for your county at this season of the year?—300; rivers, creeks, and weather prevented many from voting.

16. How does the number of white votes cast compare with the number of white registered voters, and what is the cause of the difference?—Could not ascertain.

17. How does the present vote of your county compare with its average fair vote; and if below that average, what has been the cause of the falling off?—Compares unfavorably; weather and social influence of opponents of constitution the cause.

18. What is the political status of the members of your board, as well as that of the managers of election; were they opposed to reconstructing under the acts of Congress, or otherwise minded; and if by chance there be any who are opposed to reconstruction, who are they, and how and by whom were they appointed?—None opposed to reconstruction.

CRENSHAW COUNTY.

1. How many election precincts were opened in your county during the recent vote on the constitution submitted to the people for ratification?—One.

2. How many boxes were opened at each precinct for reception of votes?—Two.

3. How were the number of precincts and number of boxes to be used at each determined upon?—Board of registrars.

4. In what manner and by whom were the judges or managers of the election selected?—Board of registrars.

5. Were they duly sworn and required to take the "test oath;" and if not why not?—Yes.

6. Did your board, during its deliberations, make such arrangements as would insure to the people all the necessary facilities for casting their votes?—Yes.

7. For how many days were the polls kept open in your county, and why were they not kept open for five days?—Four days; did not get order to extend.

8. During the progress of the voting did the members of your board visit the several polling places in each precinct; and if not, why not?—Yes.

9. Did they carefully note whether or not the managers, or judges, were faithfully and properly discharging the duties of their office; and if not, why not?—Yes.

10. Did any of the members of your board, or any of the managers of election, canvass for votes for or against the constitution, or in any otherwise take a prominent part in the election during its progress, outside of their bounden duty as registrars or managers; and if they did, who are they, and what did they do?—No.

11. Was the attention of the members of your board given to the manner in which the reception of votes was being conducted, and was everything noticed and corrected which, in your opinion, was calculated to obstruct the voting?—Yes.

12. Was any obstruction offered at the polls calculated to prevent a free and full vote; and if there was, state its kind and character, and also what measures were taken to suppress it; and if no effort was made to protect the voter in his rights, who is to be held responsible for the same?—See papers D and E.

13. Have you knowledge of any means being resorted to, away from the polls, intended to prevent a full and free expression of opinion by the ballot; and if so, state its kind and character, and the names of those whom you know to have been engaged in the same?—W. F. Mahone and Mr. Barber discharged men for voting and prevented them by threats. The registrar was insulted by James Staggers and threatened violence, but was prevented by the sheriff. The paucity of votes is owing to abuse, threats, and intimidation. After the election the registrar was told his life was in danger, and had to get away stealthily.

14. Was the notice that the lists of registered voters would be opened for revision given to the people; and were the lists kept open for revision for five days; and if not, why not?—Yes.

15. The number of registered voters being known, what should be considered a fair average vote for your county at this season of the year?—No answer.

16. How does the number of white votes cast compare with the number of white registered voters, and what is the cause of the difference?—No answer.

17. How does the present vote of your county compare with its average fair vote; and if below that average, what has been the cause of the falling off?—Far below.

18. What is the political status of the members of your board, as well as that of the managers of election; were they opposed to reconstructing under the acts of Congress, or otherwise minded; and if by chance there be any who are opposed to reconstruction, who are they, and how and by whom were they appointed?—Favor reconstruction.

LOWNDES COUNTY.

1. How many election precincts were opened in your county during the recent vote on the constitution submitted to the people for ratification?—Two.

2. How many boxes were opened at each precinct for reception of votes?—One box two days, two boxes two days, three boxes one day.

3. How were the number of precincts and number of boxes to be used at each determined upon?—Board of registrars.

4. In what manner and by whom were the judges or managers of the election selected?—Board of registrars.

5. Were they duly sworn and required to take the "test oath;" and if not, why not?—Yes.

6. Did your board, during its deliberations, make such arrangements as would insure to the people all necessary facilities for casting their votes?—No.

7. For how many days were the polls kept open in your county, and why were they not kept open for five days?—Four and a half days.

8. During the progress of the voting did the members of your board visit the several polling places in each precinct; and if not, why not?—Yes.

9. Did they carefully note whether or not the managers, or judges, were faithfully and properly discharging the duties of their office; and if not, why not?—No; because they either did not or pretended they did not know their duty.

10. Did any of the members of your board, or any of the managers of election, canvass for votes for or against the constitution, or in any otherwise take a prominent part in the election during its progress, outside of their bounden duty as registrars or managers; and if they did, who are they, and what did they do?—No.

11. Was the attention of the members of your board given to the manner in which the reception of votes was being conducted, and was everything noticed and corrected which, in your opinion, was calculated to obstruct the voting?—They gave attention, but did not correct.

12. Was any obstruction offered at the polls calculated to prevent a free and full vote; and if there was, state its kind and character, and also what measures were taken to suppress it; and if no effort was made to protect the voter in his rights, who is to be held responsible for the same?—Unnecessary time was taken up by challenging and discussions, which came because the room was often crowded with whites; voters turned away said to be too young, though registered; some because names spelled wrong, and not allowed to make certificate. Other boxes, it seems, might have been opened sooner, as there were persons present who could have qualified. The chairman of the board should be held responsible.

13. Have you knowledge of any means being resorted to, away from the polls, intended to prevent a full and free expression of opinion by the ballot; and if so, state its kind and character, and the names of those whom you know to have been engaged in the same?—Threats were made to turn off freedmen by Larkin, Cottrell, Dr. Lampley, and William Garnett.

14. Was the notice that the lists of registered voters would be opened for revision given to the people; and were the lists kept open for revision for five days; and if not, why not?—No; the books had not been received by the registrar.

15. The number of registered voters being known, what should be considered a fair average vote for your county at this season of the year?—About 3,800.

16. How does the number of white votes cast compare with the number of white registered voters, and what is the cause of the difference?—Number voted about 10 out of about 850 registered; cause, opposition to reconstruction measures.

17. How does the present vote of your county compare with its average fair vote; and if below that average, what has been the cause of the falling off?—Present vote about 2,500; difference caused by opposition to reconstruction or constitution by the whites, high waters, threats against freedmen, and partially obstruction stated in answer to query No. 12.

18. What is the political status of the members of your board, as well as that of the managers of election; were they opposed to reconstructing under the acts of Congress, or otherwise minded; and if by chance there be any who are opposed to reconstruction, who are they, and how and by whom were they appointed?—

Two white registrars, conservatives; colored republican, and judges all thought to be republican; Mr. Roeback (chairman) appointed by Mr. Hatchett, superintendent registration; (I also appointed Mr. Greaves.)

BARBOUR COUNTY.

1. How many election precincts were opened in your county during the recent vote on the constitution submitted to the people for ratification?—Three.

2. How many boxes were opened at each precinct for reception of votes?—One.

3. How were the number of precincts and number of boxes to be used at each determined upon?—Can't answer.

4. In what manner and by whom were the judges or managers of the election selected?—Can't answer.

5. Were they duly sworn and required to take the "test oath;" and if not, why not?—All did not; did not know it was required.

6. Did your board, during its deliberations, make such arrangements as would insure to the people all necessary facilities for casting their votes?—Yes.

7. For how many days were the polls kept open in your county, and why were they not kept open for five days?—Five days at one box; four and a half days at one box; four days at one box; could not get managers, and because one of the registrars was afraid.

8. During the progress of the voting did the members of your board visit the several polling places in each precinct; and if not, why not?—Yes.

9. Did they carefully note whether or not the managers, or judges, were faithfully and properly discharging the duties of their office; and if not, why not?—Yes.

10. Did any of the members of your board, or any of the managers of election, canvass for votes for or against the constitution, or in any otherwise take a prominent part in the election during its progress outside of their bounden duty as registrars, or managers; and if they did, who are they, and what did they do?—No.

11. Was the attention of the members of your board given to the manner in which the reception of votes was being conducted, and was everything noticed and corrected which, in your opinion, was calculated to obstruct the voting?—See papers marked C.

12. Was any obstruction offered at the polls calculated to prevent a free and full vote; and if there was, state its kind and character, and also what measures were taken to suppress it; and if no effort was made to protect the voter in his rights, who is to be held responsible for the same?—See papers marked C.

13. Have you knowledge of any means being resorted to, away from the polls, intended to prevent a full and free expression of opinion by the ballot; and if so, state its kind and character, and the names of those whom you know to have been engaged in the same?—Threats of discharge; trying to deceive colored men as to the polls being closed. Malachia Davis, M. M. Glenn, Arch. Griffith, and William Cowart made threats to discharge hands for voting.

14. Was the notice that the lists of registered voters would be opened for revision given to the people; and were the lists kept open for revision for five days; and if not, why not?—Yes.

15. The number of registered voters being known, what should be considered a fair average vote for your county at this season of the year?—Could not find out.

16. How does the number of white votes cast compare with the number of white registered voters, and what is the cause of the difference?—Very small; fear of social proscription deterred loyal white men from voting.

17. How does the present vote of your county compare with its average fair

vote; and if below that average, what has been the cause of the falling off?—Much smaller than usual; the cause is probably the undue influence of planters over freedmen.

18. What is the political status of the members of your board, as well as that of the managers of election; were they opposed to reconstructing under the acts of Congress, or otherwise minded; and if by chance there be any who are opposed to reconstruction, who are they, and how and by whom were they appointed?—All the registrars in favor of reconstruction; judges divided.

BULLOCK COUNTY.

1. How many election precincts were opened in your county during the recent vote on the constitution submitted to the people for ratification?—One.

2. How many boxes were opened at each precinct for reception of votes?—Two.

3. How were the number of precincts and number of boxes to be used at each determined upon?—J. R. Siler, chairman board of registration.

4. In what manner and by whom were the judges or managers of the election selected?—J. R. Siler, chairman board of registration.

5. Were they duly sworn and required to take the "test oath;" and if not, why not?—Yes.

6. Did your board, during its deliberations, make such arrangements as would insure to the people all necessary facilities for casting their votes?—No.

7. For how many days were the polls kept open in your county, and why were they not kept open for five days?—Four days; did not get order to extend.

8. During the progress of the voting did the members of your board visit the several polling places in each precinct; and if not, why not?—Yes.

9. Did they carefully note whether or not the managers, or judges, were faithfully and properly discharging the duties of their office; and if not, why not?—No; because registrar is opposed to reconstruction, or does not know how to perform his duty.

10. Did any of the members of your board, or any of the managers of election, canvass for votes for or against the constitution, or in any otherwise take a prominent part in the election during its progress, outside of their bounden duty as registrars or managers; and if they did, who are they, and what did they do?—No.

11. Was the attention of the members of your board given to the manner in which the reception of votes was being conducted, and was everything noticed and corrected which, in your opinion, was calculated to obstruct the voting?—It was; no.

12. Was any obstruction offered at the polls calculated to prevent a free and full vote; and if there was, state its kind and character, and also what measures were taken to suppress it; and if no effort was made to protect the voter in his rights, who is to be held responsible for the same?—Yes; not boxes enough; needless questions; J. R. Siler is responsible.

13. Have you knowledge of any means being resorted to, away from the polls, intended to prevent a full and free expression of opinion by the ballot; and if so state its kind and character, and the names of those whom you know to have been engaged in the same?—Yes; threats to discharge freedmen for voting by W. C. Jordan, G. W. Baskins, and Captain Pickett.

14. Was the notice that the lists of registered voters would be opened for revision given to the people; and were the lists kept open for revision for five days; and if not, why not?—Yes; but not in such way as to give the people notice.

15. The number of registered voters being known, what should be considered a fair average vote for your county at this season of the year?—Three thousand five hundred.

16. How does the number of white votes cast compare with the number of white registered voters, and what is the cause of the difference?—No whites voted.

17. How does the present vote of your county compare with its average fair vote; and if below that average, what has been the cause of the falling off?—About half whites did not vote and did all they dared to keep blacks from voting.

18. What is the political status of the members of your board, as well as that of the managers of election; were they opposed to reconstructing under the acts of Congress, or otherwise minded; and if by chance there be any who are opposed to reconstruction, who are they, and how and by whom were they appointed?—J. R. Siler, chairman board, and all judges opposed to reconstruction; G. P. Culver and L. S. Johnson, colored registrar, favor reconstruction.

PIKE COUNTY.

1. How many election precincts were opened in your county during the recent vote on the constitution submitted to the people for ratification?—Two.

2. How many boxes were opened at each precinct for reception of votes?—Two.

3. How were the number of precincts and number of boxes to be used at each determined upon?—G. P. Culver, registrar.

4. In what manner and by whom were the judges or managers of the election selected?—J. P. Culver, registrar.

5. Were they duly sworn and required to take the "test oath;" and if not, why not?—Yes.

6. Did your board, during its deliberations, make such arrangements as would insure to the people all necessary facilities for casting their votes?—Yes.

7. For how many days were the polls kept open in your county, and why were they not kept open for five days?—Four days; did not get order to extend.

8. During the progress of the voting did the members of your board visit the several polling places in each precinct; and if not, why not?—Yes.

9. Did they carefully note whether or not the managers, or judges, were faithfully and properly discharging the duties of their office; and if not, why not?—Yes.

10. Did any of the members of your board, or any of the managers of election, canvass for votes for or against the constitution, or in any otherwise take a prominent part in the election during its progress, outside of their bounden duty as registrars or managers; and if they did, who are they, and what did they do?—No.

11. Was the attention of the members of your board given to the manner in which the reception of votes was being conducted, and was everything noticed and corrected which, in your opinion, was calculated to obstruct the voting?—Yes.

12. Was any obstruction offered at the polls calculated to prevent a free and full vote; and if there was, state its kind and character, and also what measures were taken to suppress it; and if no effort was made to protect the voter in his rights, who is to be held responsible for the same?—No.

13. Have you knowledge of any means being resorted to, away from the polls, intended to prevent a full and free expression of opinion by the ballot; and if so, state its kind and character, and the names of those whom you know to have been engaged in the same?—Yes, threats to discharge for voting; Mr. Whaley.

14. Was the notice that the lists of registered voters would be opened for revision given to the people; and were the lists kept open for revision for five days; and if not, why not?—Yes.

15. The number of registered voters being known, what should be considered a fair average vote for your county at this season of the year?—One thousand eight hundred or one thousand nine hundred.

16. How does the number of white votes cast compare with the number of white registered voters, and what is the cause of the difference?—One to three; because of the order from the conservative committee the whites did not vote.

17. How does the present vote of your county compare with its average fair vote; and if below that average, what has been the cause of the falling off?—About half; opposition to constitution, rain, cold, and high water.

18. What is the political status of the members of your board, as well as that of the managers of election; were they opposed to reconstructing under the acts of Congress, or otherwise minded; and if by chance there be any who are opposed to reconstruction, who are they, and how and by whom were they appointed?—Same as Bullock county as to registrars, being in same district; managers not opposed.

BUTLER COUNTY.

1. How many election precincts were opened in your county during the recent vote on the constitution submitted to the people for ratification?—One.

2. How many boxes were opened at each precinct for reception of votes?—Three.

3. How were the number of precincts and the number of boxes to be used at each determined upon?—Board of registrars.

4. In what manner and by whom were the judges or managers of the election selected?—Board of registrars.

5 Were they duly sworn and required to take the "test oath;" and if not, why not?—Yes.

6. Did your board, during its deliberations, make such arrangements as would insure to the people all necessary facilities for casting their votes?—Yes.

7. For how many days were the polls kept open in your county, and why were they not kept open for five days?—Five days.

8. During the progress of the voting did the members of your board visit the several polling places in each precinct; and if not, why not?—Yes.

9. Did they carefully note whether or not the managers, or judges, were faithfully and properly discharging the duties of their office; and if not, why not?—Yes.

10. Did any of the members of your board, or any of the managers of election, canvass for votes for or against the constitution, or in any otherwise take a prominent part in the election during its progress, outside of their bounden duty as registrars or managers; and if they did, who are they, and what did they do?—No.

11. Was the attention of the members of your board given to the manner in which the reception of votes was being conducted, and was everything noticed and corrected which, in your opinion, was calculated to obstruct the voting?—Yes.

12. Was any obstruction offered at the polls calculated to prevent a free and full vote; and if there was, state its kind and character, and also what measures were taken to suppress it; and if no effort was made to protect the voter in his rights, who is to be held responsible for the same?—See papers marked D and E.

13. Have you knowledge of any means being resorted to, away from the polls, state its kind and character, and the names of those whom you know to have intended to prevent a full and free expression of opinion by the ballot; and if so, been engaged in the same?—Yes, threats to discharge colored voters for voting, and whites were deterred by fear of consequences; S. J. Bolling, judge of probate, William Hartley, Lewis Bear, Jerry Gafford, Seth May, Dr. Hamilton, (or Hammer,) Samuel Tisdale, and John Dean discharged hands for voting.

14. Was the notice that the lists of registered voters would be opened for revision given to the people; and were the lists kept open for revision for five days; and if not, why not?—Yes.

15. The number of registered voters being known, what should be considered a fair average vote for your county at this season of the year?—About 2,300.

16. How does the number of white votes cast compare with the number of white registered voters, and what is the cause of the difference?—Only three out of fourteen hundred; others wished to vote but said they could not; some came to town to vote but did not.

17. How does the present vote of your county compare with its average fair vote; and if below that average, what has been the cause of the falling off?—Far below.

18. What is the political status of the members of your board, as well as that of the managers of election; were they opposed to reconstructing under the acts of Congress, or otherwise minded; and if by chance there be any who are opposed to reconstruction, who are they, and how and by whom were they appointed?—In favor of reconstruction.

COVINGTON COUNTY.

1. How many election precincts were opened in your county during the recent vote on the constitution submitted to the people for ratification?—Ten.

2. How many boxes were opened at each precinct for reception of votes?—One.

3. How were the number of precincts and number of boxes to be used at each determined upon?—Chairman of the board of registrars.

4. In what manner and by whom were the judges or managers of the election selected?—Chairman of the board of registrars.

5. Were they duly sworn and required to take the "test oath;" and if not, why not?—No; had no orders.

6. Did your board, during its deliberations, make such arrangements as would insure to the people all necessary facilities for casting their votes?—Yes.

7. For how many days were the polls kept open in your county, and why were they not kept open for five days?—Two days; did not get orders to extend.

8. During the progress of the voting, did the members of your board visit the several polling places in each precinct; and if not, why not?—No; there was no registrar in the county.

9. Did they carefully note whether or not the managers or judges were faithfully and properly discharging the duties of their office; and if not, why not?—No; registrars, being candidates, did not act.

10. Did any of the members of your board or any of the managers of election canvass for votes for or against the constitution, or in any otherwise take a prominent part in the election during its progress, outside of their bounden duty as registrars or managers; and if they did, who are they, and what did they do?—No.

11. Was the attention of the members of your board given to the manner in which the reception of votes was being conducted, and was everything noticed and corrected which, in your opinion, was calculated to obstruct the voting?—No; see No. 8.

12. Was any obstruction offered at the polls calculated to prevent a free and full vote; and if there was, state its kind and character, and also what measures were taken to suppress it; and if no effort was made to protect the voter in his rights, who is to be held responsible for the same?—No.

13. Have you knowledge of any means being resorted to, away from the polls, intended to prevent a full and free expression of opinion by the ballot; and if so, state its kind and character, and the names of those whom you know to have been engaged in the same?—It was generally understood by the negroes that they would be turned out of home if they voted. About 30 voted for

officers, and were told to come next day and vote for constitution. Thus they were deceived and lost their votes; but nearly all the colored men who were registered voted, though many did not register through fear, or had no opportunity.

14. Was the notice that the lists of registered voters would be opened for revision given to the people; and were the lists kept open for revision for five days; and if not, why not?—Yes.

15. The number of registered voters being known, what should be considered a fair average vote for your county at this season of the year?—About 500.

16. How does the number of white votes cast compare with the number of white registered voters, and what is the cause of the difference?—225 out of about 900 whites registered voted. Bad weather, want of information as to time of election, and opposition to voting, are reasons for so small a vote.

17. How does the present vote of your county compare with its average fair vote; and if below that average, what has been the cause of the falling off?—Much below, for reasons given in answers to 13 and 16.

18. What is the political status of the members of your board, as well as that of the managers of election; were they opposed to reconstructing under the acts of Congress, or otherwise minded; and if by chance there be any who are opposed to reconstruction, who are they, and how and by whom were they appointed?—The managers were divided—some in favor of and others opposed to reconstruction measures of Congress.

COFFEE COUNTY.

1. How many election precincts were opened in your county during the recent vote on the constitution submitted to the people for ratification?—Three.

2. How many boxes were opened at each precinct for reception of votes?—One.

3. How were the number of precincts and number of boxes to be used at each determined upon?—Chairman of the board of registrars.

4. In what manner and by whom were the judges or managers of the election selected?—Chairman of the board of registrars.

5. Were they duly sworn and required to take the "test oath;" and if not, why not?—No; had no orders.

6. Did your board, during its deliberations, make such arrangements as would insure to the people all necessary facilities for casting their votes?—Yes.

7. For how many days were the polls kept open in your county, and why were they not kept open for five days?—Two days; did not get orders to extend.

8. During the progress of the voting did the members of your board visit the several polling places in each precinct; and if not, why not?—No; only one, and he was at one box.

9. Did they carefully note whether or not the managers, or judges, were faithfully and properly discharging the duties of their office; and if not, why not?—At only one box.

10. Did any of the members of your board, or any of the managers of election, canvass for votes for or against the constitution, or in any otherwise take a prominent part in the election during its progress, outside of their bounden duty as registrars or managers; and if they did, who are they, and what did they do?—No.

11. Was the attention of the members of your board given to the manner in which the reception of votes was being conducted, and was everything noticed and corrected which, in your opinion, was calculated to obstruct the voting?—He did at one box; see number 8.

12. Was any obstruction offered at the polls calculated to prevent a free and

full vote; and if there was, state its kind and character, and also what measures were taken to suppress it; and if no effort was made to protect the voter in his rights, who is to be held responsible for the same?—Yes; at one box by M. C. Kinney and others.

13. Have you knowledge of any means being resorted to, away from the polls, intended to prevent a full and free expression of opinion by the ballot; and if so, state its kind and character, and the names of those whom you know to have been engaged in the same?—The colored people believed that they would be discharged; some that they would be beaten or murdered, if they voted; and this, no doubt, deterred them from voting.

14. Was the notice that the lists of registered voters would be opened for revision given to the people; and were the lists kept open for revision for five days; and if not, why not?—Yes.

15. The number of registered voters being known, what should be considered a fair average vote for your county at this season of the year?—About 700.

16. How does the number of white votes cast compare with the number of white registered voters, and what is the cause of the difference?—Small. Cause, the conservative party expected to beat their opponents by not voting; Union whites prevented from voting for fear of proscription; bad weather.

17. How does the present vote of your county compare with its average fair vote; and if below that average, what has been the cause of the falling off?—Compares favorably with any election since the war.

18. What is the political status of the members of your board, as well as that of the managers of election; were they opposed to reconstructing under the acts of Congress, or otherwise minded; and if by chance there be any who are opposed to reconstruction, who are they, and how and by whom were they appointed?—Favorable to reconstruction.

DALE AND HENRY COUNTIES.

No election, there being no registrars. But Henry Kincey, the colored registrar, and the only one in the district, was prevented by threats from opening the books for revision; and in Dale county some Union citizens attempted to open the polls on the day appointed for the election, when a number of outrageous acts were committed by a Mr. Oates, A. P. Wigg and a Mr. Geater.

MOBILE COUNTY.

1. How many election precincts were opened in your county during the recent vote on the constitution submitted to the people for ratification?—Six.

2. How many boxes were opened at each precinct for reception of votes?—One.

3. How were the number of precincts and number of boxes to be used at each determined upon?—Board.

4. In what manner and by whom were the judges or managers of the election selected?—Board.

5. Were they duly sworn and required to take the "test oath;" and if not, why not?—Generally; but see papers A and B.

6. Did your board, during its deliberations, make such arrangements as would insure to the people all necessary facilities for casting their votes?—Yes.

7. For how many days were the polls kept open in your county, and why were they not kept open for five days?—Five.

8. During the progress of the voting did the members of your board visit the several polling places in each precinct; and if not, why not?—Yes.

9. Did they carefully note whether or not the managers, or judges, were faithfully and properly discharging the duties of their office; and if not, why not?—So far as known.

10. Did any of the members of your board, or any of the managers of election, canvass for votes for or against the constitution, or in any otherwise take a prominent part in the election during its progress, outside of their bounden duty as registrars or managers; and if they did, who are they, and what did they do?—They did not.

11. Was the attention of the members of your board given to the manner in which the reception of votes was being conducted, and was everything noticed and corrected which, in your opinion, was calculated to obstruct the voting?—So far as known.

12. Was any obstruction offered at the polls calculated to prevent a free and full vote; and if there was, state its kind and character, and also what measures were taken to suppress it; and if no effort was made to protect the voter in his rights, who is to be held responsible for the same?—No.

13. Have you knowledge of any means being resorted to, away from the polls, intended to prevent a full and free expression of opinion by the ballot; and if so, state its kind and character, and the names of those whom you know to have been engaged in the same?—Threats of discharge, invariably made, deterred negroes from voting; whites deterred for fear of being socially ignored.

14. Was the notice that the lists of registered voters would be opened for revision given to the people; and were the lists kept open for revision for five days; and if not, why not?—Yes.

15. The number of registered voters being known, what should be considered a fair average vote for your county at this season of the year?—About 7,000.

16. How does the number of white votes cast compare with the number of white registered voters, and what is the cause of the difference?—88 out of 2,800. Cause: whites intended, if possible, to defeat constitution by not voting.

17. How does the present vote of your county compare with its average fair vote; and if below that average, what has been the cause of the falling off?—Far below, for reasons in reply to query No. 16.

18. What is the political status of the members of your board, as well as that of the managers of election; were they opposed to reconstructing under the acts of Congress, or otherwise minded; and if by chance there be any who are opposed to reconstruction, who are they, and how and by whom were they appointed?—Favorable to reconstruction.

WASHINGTON COUNTY.

1. How many election precincts were opened in your county during the recent vote on the constitution submitted to the people for ratification?—One.

2. How many boxes were opened at each precinct for reception of votes?—One.

3. How were the number of precincts and number of boxes to be used at each determined upon?—Board.

4. In what manner and by whom were the judges or managers of the election selected?—By J. J. Gilder; the board failed to act.

5. Were they duly sworn and required to take the "test oath;" and if not, why not?—Not known.

6. Did your board, during its deliberations, make such arrangements as would insure to the people all necessary facilities for casting their votes?—No.

7. For how many days were the polls kept open in your county, and why were they not kept open for five days?—Two.

8. During the progress of the voting did the members of your board visit the several polling places in each precinct; and if not, why not?—Yes.

9. Did they carefully note whether or not the managers, or judges, were faithfully and properly discharging the duties of their office; and if not, why not?—Unknown.

10. Did any of the members of your board, or any of the managers of election, canvass for votes for or against the constitution, or in any otherwise take a prominent part in the election during its progress, outside of their bounden duty as registrars or managers; and if they did, who are they, and what did they do?—No.

11. Was the attention of the members of your board given to the manner in which the reception of votes was being conducted, and was everything noticed and corrected which, in your opinion, was calculated to obstruct the voting?—No.

12. Was any obstruction offered at the polls calculated to prevent a free and full vote; and if there was, state its kind and character, and also what measures were taken to suppress it; and if no effort was made to protect the voter in his rights, who is to be held responsible for the same?—No.

13. Have you knowledge of any means being resorted to, away from the polls, intended to prevent a full and free expression of opinion by the ballot; and if so, state its kind and character, and the names of those whom you know to have been engaged in the same?—Threats of discharge, invariably made, deterred negroes from voting; whites deterred for fear of being socially ignored.

14. Was the notice that the lists of registered voters would be opened for revision given to the people; and were the lists kept open for revision for five days; and if not, why not?—Unknown.

15. The number of registered voters being known, what should be considered a fair average vote for your county at this season of the year?—450.

16. How does the number of white votes cast compare with the number of white registered voters, and what is the cause of the difference?—88 out of 2,800. Cause: whites intended, if possible, to defeat constitution by not voting.

17. How does the present vote of your county compare with its average fair vote; and if below that average, what has been the cause of the falling off?—Far below; for reasons in reply to query No. 16.

18. What is the political status of the members of your board, as well as that of the managers of election; were they opposed to reconstructing under the acts of Congress, or otherwise minded; and if by chance there be any who are opposed to reconstruction, who are they, and how and by whom were they appointed?—Claim to favor reconstruction.

BALDWIN COUNTY.

1. How many election precincts were opened in your county during the recent vote on the constitution submitted to the people for ratification?—Three.

2. How many boxes were opened at each precinct for reception of votes?—One at one; three at one; and six at one.

3. How were the number of precincts and number of boxes to be used at each determined upon?—Boards.

4. In what manner and by whom were the judges or managers of the election selected?—Board.

5. Were they duly sworn and required to take the "test oath;" and if not, why not?—Yes.

6. Did your board, during its deliberations, make such arrangements as would insure to the people all necessary facilities for casting their votes?—Yes.

7. For how many days were the polls kept open in your county, and why were they not kept open for five days?—Five days at one box; two days at one box; and one day at one box. Cause: no judges could be got at one box; judges afraid to open without guard at one box.

8. During the progress of the voting did the members of your board visit the several polling places in each precinct; and if not, why not?—Yes; at one box had no money to pay expense of going to the other boxes.

9. Did they carefully note whether or not the managers or judges were faithfully and properly discharging the duties of their office; and if not, why not?—Unknown.

10. Did any of the members of your board, or any of the managers of election, canvass for votes for or against the constitution, or in any otherwise take a prominent part in the election during its progress, outside of their bounden duty as registrars or managers; and if they did, who are they, and what did they do?—No.

11. Was the attention of the members of your board given to the manner in which the reception of votes was being conducted, and was everything noticed and corrected which, in your opinion, was calculated to obstruct the voting?—Yes; at the box where the registrar was; and no obstruction offered anywhere.

12. Was any obstruction offered at the polls calculated to prevent a free and full vote; and if there was, state its kind and character, and also what measures were taken to suppress it; and if no effort was made to protect the voter in his rights, who is to be held responsible for the same?—No.

13. Have you knowledge of any means being resorted to, away from the polls, intended to prevent a free and full expression of opinion by the ballot; and if so, state its kind and character, and the names of those whom you know to have been engaged in the same?—Threats of discharge, invariably made, deterred negroes from voting; whites deterred for fear of being socially ignored.

14. Was the notice that the lists of registered voters would be opened for revision given to the people; and were the lists kept open for revision for five days; and if not, why not?—Yes.

15. The number of registered voters being known, what should be considered a fair average vote for your county at this season of the year?—850.

16. How does the number of white votes cast compare with the number of white registered voters, and what is the cause of the difference?—88 out of 2,800. Cause: whites intended, if possible, to defeat constitution by not voting.

17. How does the present vote of your county compare with its average fair vote; and if below that average, what has been the cause of the falling off?—Far below; for reasons in reply to query No. 16.

18. What is the political status of the members of your board, as well as that of the managers of election; were they opposed to reconstructing under the acts of Congress, or otherwise minded; and if by chance there be any who are opposed to reconstruction, who are they, and how and by whom were they appointed?—Strongly in favor of reconstruction.

CLARKE COUNTY.

1. How many election precincts were opened in your county during the recent vote on the constitution submitted to the people for ratification?—Three.

2. How many boxes were opened at each precinct for reception of votes?—Two.

3. How were the number of precincts and number of boxes to be used at each determined upon?—Boards.

4. In what manner and by whom were the judges or managers of the election selected?—Board.

5. Were they duly sworn and required to take the "test oath," and if not, why not?—Yes.

6. Did your board, during its deliberations, make such arrangements as would insure to the people all necessary facilities for casting their votes?—Yes.

7. For how many days were the polls kept open in your county, and why were they not kept open for five days?—Four days at two boxes; two days at one box. Difficulty of getting judges, and not getting notice of extension.

8. During the progress of the voting did the members of your board visit the several polling places in each precinct, and if not, why not?—Unknown.

9. Did they carefully note whether or not the managers, or judges, were faithfully and properly discharging the duties of their office; and if not, why not?—Unknown.

10. Did any of the members of your board, or any of the managers of election, canvass for votes for or against the constitution, or in any otherwise take a prominent part in the election during its progress, outside of their bounden duty as registrars or managers; and if they did, who are they, and what did they do?—Unknown.

11. Was the attention of the members of your board given to the manner in which the reception of votes was being conducted, and was everything noticed and corrected which, in your opinion, was calculated to obstruct the voting?—Unknown.

12. Was any obstruction offered at the polls calculated to prevent a free and full vote; and if there was, state its kind and character, and also what measures were taken to suppress it; and if no effort was made to protect the voter in his rights, who is to be held responsible for the same?—No.

13. Have you knowledge of any means being resorted to, away from the polls, intended to prevent a full and free expression of opinion by the ballot; and if so, state its kind and character, and the names of those whom you know to have been engaged in the same?—Threats of discharge, invariably made, deterred negroes from voting; whites deterred for fear of being socially ignored.

14. Was the notice that the list of registered voters would be opened for revision given to the people; and were the lists kept open for revision for five days, and if not, why not?—Unknown.

15. The number of registered voters being known, what should be considered a fair average vote for your county at this season of the year?—300 more than were polled, had it not been for reasons given in answer to 13, and bad weather.

16. How does the number of white votes cast compare with the number of white registered voters, and what is the cause of the difference?—88 out of 2,800. Cause: whites intended, if possible, to defeat constitution by not voting, and bad weather.

17. How does the present vote of your county compare with its average fair vote; and if below that average, what has been the cause of the falling off?—Far below; for reasons given in reply to query No. 16.

18. What is the political status of the members of your board, as well as that of the managers of election; were they opposed to reconstructing under the acts of Congress, or otherwise minded; and if by chance there be any who are opposed to reconstruction, who are they, and how and by whom were they appointed?—Favorable to reconstruction.

MONROE COUNTY.

1. How many election precincts were opened in your county during the recent vote on the constitution submitted to the people for ratification?—Three.

2. How many boxes were opened at each precinct for reception of votes?—One.

3. How were the number of precincts and number of boxes to be used at each determined upon?—Boards.

4. In what manner and by whom were the judges or managers of the election selected?—Board or member.

5. Were they duly sworn and required to take the "test oath;" and if not, why not?—All but one, who could not do so.

6. Did your board, during its deliberations, make such arrangements as would insure to the people all necessary facilities for casting their votes?—No answer.

7. For how many days were the polls kept open in your county, and why were they not kept open for five days?—Four days; did not get order to extend.

8. During the progress of the voting did the members of your board visit the several polling places in each precinct; and if not, why not?—No; only one member in county.

9. Did they carefully note whether or not the managers, or judges, were faithfully and properly discharging the duties of their office; and if not, why not?—Unknown.

10. Did any of the members of your board, or any of the managers of election, canvass for votes for or against the constitution, or in any otherwise take a prominent part in the election during its progress, outside of their bounden duty as registrars or managers; and if they did, who are they, and what did they do?—They did.

11. Was the attention of the members of your board given to the manner in which the reception of votes was being conducted, and was everything noticed and corrected which, in your opinion, was calculated to obstruct the voting?—Unknown.

12. Was any obstruction offered at the polls calculated to prevent a free and full vote; and if there was, state its kind and character, and also what measures were taken to suppress it; and if no effort was made to protect the voter in his rights, who is to be held responsible for the same?—No.

13. Have you knowledge of any means being resorted to, away from the polls, intended to prevent a full and free expression of opinion by the ballot; and if so, state its kind and character, and the names of those whom you know to have been engaged in the same?—Threats of discharge, invariably made, deterred negroes from voting.

14. Was the notice that the lists of registered voters would be opened for revision given to the people; and were the lists kept open for revision for five days, and if not, why not?—Yes.

15. The number of registered voters being known, what should be considered a fair average vote for your county at this season of the year?—Can't give any satisfactory answer.

16. How does the number of white votes cast compare with the number of white registered voters, and what is the cause of the difference?—88 out of 2,800. Cause: whites intended, if possible, to defeat constitution by not voting.

17. How does the present vote of your county compare with its average fair vote, and if below that average, what has been the cause of the falling off?—Vote 701; fair vote 900; difference is explained in answers to 13 and 16.

18. What is the political status of the members of your board, as well as that of the managers of election; were they opposed to reconstructing under the acts of Congress, or otherwise minded; and if by chance there be any who are opposed to reconstruction, who are they, and how and by whom were they appointed?—Favorable to reconstruction.

CONECUH COUNTY.

1. How many election precincts were opened in your county during the recent vote on the constitution submitted to the people for ratification?—One.

2. How many boxes were opened at each precinct for reception of votes?—One.

3. How were the number of precincts and number of boxes to be used at each determined upon?—But one printed list was furnished; no one could be got to act as judges.

4. In what manner and by whom were the judges or managers of the election selected?—Board or member.

5. Were they duly sworn and required to take the "test oath;" and if not, why not?—Unknown.

6. Did your board, during its deliberations, make such arrangements as would insure to the people all necessary facilities for casting their votes?—Yes.

7. For how many days were the polls kept open in your county, and why were they not kept open for five days?—Five.

8. During the progress of the voting did the members of your board visit the several polling places in each precinct; and if not, why not?—Yes.

9. Did they carefully note whether or not the managers, or judges, were faithfully and properly discharging the duties of their office; and if not, why not?—Yes.

10. Did any of the members of your board, or any of the managers of election, canvass for votes for or against the constitution, or in any otherwise take a prominent part in the election during its progress, outside of their bounden duty as registrars or managers; and if they did, who are they, and what did they do?—They did not.

11. Was the attention of the members of your board given to the manner in which the reception of votes was being conducted, and was everything noticed and corrected which, in your opinion, was calculated to obstruct the voting?—Yes.

12. Was any obstruction offered at the polls calculated to prevent a free and full vote; and if there was, state its kind and character, and also what measures were taken to suppress it; and if no effort was made to protect the voter in his rights, who is to be held responsible for the same?—No.

13. Have you knowledge of any means being resorted to, away from the polls, intended to prevent a full and free expression of opinion by the ballot; and if so, state its kind and character, and the names of those whom you know to have been engaged in the same?—Threats of discharge, invariably made, deterred negroes from voting; whites deterred for fear of being socially ignored. On second day of election William Armstead, (colored,) having great influence, addressed a large crowd who had come to vote, and told them to go home and not vote. They obeyed, and voting nearly ceased. On Saturday, being sent for, he voted, and advised others to do so, and then the voting began again.

14. Was the notice that the lists of registered voters would be opened for revision given to the people; and were the lists kept open for revision for five days; and if not, why not?—Yes.

15. The number of registered voters being known, what should be considered a fair average vote for your county at this season of the year?—1,400, if both parties intended to vote; but if, as in this case, one party was trying to defeat by not voting, it is impossible to say.

16. How does the number of white votes cast compare with the number of white registered voters, and what is the cause of the difference?—37 whites out of 950 voted. Reasons same as in reply to queries No. 13 and 15.

17. How does the present vote of your county compare with its average fair vote; and if below that average, what has been the cause of the falling off?—Below; for reasons given in reply to queries No. 13, 15, and 16; and bad weather; distance from the polls; and some had died; and moved away.

18. What is the political status of the members of your board, as well as that of the managers of election; were they opposed to reconstructing under the acts of Congress, or otherwise minded; and if by chance there be any who are opposed to reconstruction, who are they, and how and by whom were they appointed?—The registrar was in favor of convention, but opposed to reconstruction measures of Congress; appointed by Mr. Hatchett. Don't know politics of judges.

WALKER COUNTY.

1. How many election precincts were opened in your county during the recent vote on the constitution submitted to the people for ratification?—Fourteen.

2. How many boxes were opened at each precinct for reception of votes?—One.

3. How were the number of precincts and number of boxes to be used at each determined upon?—Registrars.

4. In what manner and by whom were the judges or managers of the election selected?—Laws of Alabama.

5. Were they duly sworn and required to take the "test oath;" and if not, why not?—Yes.

6. Did your board, during its deliberations, make such arrangements as would insure to the people all necessary facilities for casting their votes?—Yes.

7. For how many days were the polls kept open in your county, and why were they not kept open for five days?—Two days; no orders received to extend.

8. During the progress of the voting did the members of your board visit the several polling places in each precinct; and if not, why not?—Yes.

9. Did they carefully note whether or not the managers, or judges, were faithfully and properly discharging the duties of their office; and if not, why not?—Yes.

10. Did any of the members of your board, or any of the managers of election, canvass for votes for or against the constitution, or in any otherwise take a prominent part in the election during its progress, outside of their bounden duty as registrars or managers; and if they did, who are they, and what did they do?—No.

11. Was the attention of the members of your board given to the manner in which the reception of votes was being conducted, and was everything noticed and corrected which, in your opinion, was calculated to obstruct the voting?—Yes.

12. Was any obstruction offered at the polls calculated to prevent a free and full vote; and if there was, state its kind and character, and also what measures were taken to suppress it; and if no effort was made to protect the voter in his rights, who is to be held responsible for the same?—One colored man was driven from home and lost his vote.

13. Have you knowledge of any means being resorted to, away from the polls, intended to prevent a full and free expression of opinion by the ballot; and if so, state its kind and character, and the names of those whom you know to have been engaged in the same?—There was none.

14. Was the notice that the lists of registered voters would be opened for revision given to the people; and were the lists kept open for revision for five days; and if not, why not?—Yes.

15. The number of registered voters being known, what should be considered a fair average vote for your county at this season of the year?—Could not ascertain.

16. How does the number of white votes cast compare with the number of white registered voters, and what is the cause of the difference?—More whites voted than was expected.

17. How does the present vote of your county compare with its average fair vote; and if below that average, what has been the cause of the falling off?—Can't tell.

18. What is the political status of the members of your board, as well as that of the managers of election; were they opposed to reconstructing under the acts of Congress, or otherwise minded; and if by chance there be any who are opposed to reconstruction, who are they, and how and by whom were they appointed?—All favor reconstruction.

WINSTON COUNTY.

1. How many election precincts were opened in your county during the recent vote on the constitution submitted to the people for ratification?—Ten.

2. How many boxes were opened at each precinct for reception of votes?—One.

3. How were the number of precincts and number of boxes to be used at each determined upon?—Registrars.

4. In what manner and by whom were the judges or managers of the election selected?—Laws of Alabama.

5. Were they duly sworn and required to take the "test oath;" and if not, why not?—Yes.

6. Did your board, during its deliberations, make such arrangements as would insure to the people all necessary facilities for casting their votes?—Yes.

7. For how many days were the polls kept open in your county, and why were they not kept open for five days?—Two days; no orders received to extend.

8. During the progress of the voting did the members of your board visit the several polling places in each precinct; and if not, why not?—Yes.

9. Did they carefully note whether or not the managers, or judges, were faithfully and properly discharging the duties of their office; and if not, why not?—Yes.

10. Did any of the members of your board, or any of the managers of election, canvass for votes for or against the constitution, or in any otherwise take a prominent part in the election during its progress, outside of their bounden duty as registrars, or managers; and if they did, who are they, and what did they do?—No.

11. Was the attention of the members of your board given to the manner in which the reception of votes was being conducted, and was everything noticed and corrected which, in your opinion, was calculated to obstruct the voting?—Yes.

12. Was any obstruction offered at the polls calculated to prevent a free and full vote; and if there was, state its kind and character, and also what measures were taken to suppress it; and if no effort was made to protect the voter in his rights, who is to be held responsible for the same?—No.

13. Have you knowledge of any means being resorted to, away from the polls, intended to prevent a full and free expression of opinion by the ballot; and if so, state its kind and character, and the names of those whom you know to have been engaged in the same?—None.

14. Was the notice that the lists of registered voters would be opened for revision given to the people; and were the lists kept open for revision for five days; and if not, why not?—Yes.

15. The number of registered voters being known, what should be considered a fair average vote for your county at this season of the year?—Could not find out.

16. How does the number of white votes cast compare with the number of white registered voters, and what is the cause of the difference?—More whites voted than was expected.

17. How does the present vote of your county compare with its average fair vote; and if below that average, what has been the cause of the falling off?—Can't tell.

18. What is the political status of the members of your board, as well as that of the managers of election; were they opposed to reconstructing under the acts of Congress, or otherwise minded; and if by chance there be any who are opposed to reconstruction, who are they, and how and by whom were they appointed?—All favor reconstruction.

JACKSON COUNTY.

1. How many election precincts were opened in your county during the recent vote on the constitution submitted to the people for ratification?—Four.

2. How many boxes were opened at each precinct for reception of votes?—Three.

3. How were the number of precincts and number of boxes to be used at each determined upon?—Registrars.

4. In what manner and by whom were the judges or managers of the election selected?—Registrars.

5. Were they duly sworn and required to take the "test oath;" and if not, why not?—Yes.

6. Did your board, during its deliberations, make such arrangements as would insure to the people all necessary facilities for casting their votes?—Yes.

7. For how many days were the polls kept open in your county, and why were they not kept open for five days?—Five days at three; two days at one.

8. During the progress of the voting did the members of your board visit the several polling places in each precinct; and if not, why not?—Yes.

9. Did they carefully note whether or not the managers, or judges, were faithfully and properly discharging the duties of their office; and if not, why not?—Yes.

10. Did any of the members of your board, or any of the managers of election, canvass for votes for or against the constitution, or in any otherwise take a prominent part in the election during its progress, outside of their bounden duty as registrars, or managers; and if they did, who are they, and what did they do?—No.

11. Was the attention of the members of your board given to the manner in which the reception of votes was being conducted, and was everything noticed and corrected which, in your opinion, was calculated to obstruct the voting?—Yes.

12. Was any obstruction offered at the polls calculated to prevent a free and full vote; and if there was, state its kind and character, and also what measures were taken to suppress it; and if no effort was made to protect the voter in his rights, who is to be held responsible for the same?—No.

13. Have you knowledge of any means being resorted to, away from the polls, intended to prevent a full and free expression of opinion by the ballot; and if so, state its kind and character, and the names of those whom you know to have been engaged in the same?—A man named Martin, at Bellefonte, threatened to burn houses and fences if they voted.

14. Was the notice that the lists of registered voters would be opened for revision given to the people; and were the lists kept open for revision for five days; and if not, why not?—Yes.

15. The number of registered voters being known, what should be considered a fair average vote for your county at this season of the year?—Could not find out.

16. How does the number of white votes cast compare with the number of white registered voters, and what is the cause of the difference?—More whites voted than was expected.

17. How does the present vote of your county compare with its average fair vote; and if below that average, what has been the cause of the falling off?—Can't tell.

18. What is the political status of the members of your board, as well as that of the managers of election; were they opposed to reconstructing under the acts of Congress, or otherwise minded; and if by chance there be any who are opposed to reconstruction, who are they, and how and by whom were they appointed?—All favor reconstruction.

MADISON COUNTY.

1. How many election precincts were opened in your county during the recent vote on the constitution submitted to the people for ratification?—Three.

2. How many boxes were opened at each precinct for reception of votes?—One.

3. How were the number of precincts and number of boxes to be used at each determined upon?—Registrars.

4. In what manner and by whom were the judges or managers of the election selected?—Registrars.

5. Were they duly sworn and required to take the "test oath;" and if not, why not?—Yes.

6. Did your board, during its deliberations, make such arrangements as would insure to the people all necessary facilities for casting their votes?—Yes.

7. For how many days were the polls kept open in your county, and why were they not kept open for five days?—Five days.

8. During the progress of the voting did the members of your board visit the several polling places in each precinct; and if not, why not?—Yes.

9. Did they carefully note whether or not the managers, or judges, were faithfully and properly discharging the duties of their office; and if not, why not?—Yes.

10. Did any of the members of your board, or any of the managers of election, canvass for votes for or against the constitution, or in any otherwise take a prominent part in the election during its progress, outside of their bounden duty as registrars or managers; and if they did, who are they, and what did they do?—No.

11. Was the attention of the members of your board given to the manner in which the reception of votes was being conducted, and was everything noticed and corrected which, in your opinion, was calculated to obstruct the voting?—Yes.

12. Was any obstruction offered at the polls calculated to prevent a free and full vote; and if there was, state its kind and character, and also what measures were taken to suppress it; and if no effort was made to protect the voter in his rights, who is to be held responsible for the same?—No.

13. Have you knowledge of any means being resorted to, away from the polls, intended to prevent a full and free expression of opinion by the ballot; and if so, state its kind and character, and the names of those whom you know to have been engaged in the same?—None.

14. Was the notice that the lists of registered voters would be opened for revision given to the people; and were the lists kept open for revision for five days; and if not, why not?—Yes.

15. The number of registered voters being known, what should be considered a fair average vote for your county at this season of the year?—Could not find out.

16. How does the number of white votes cast compare with the number of white registered voters, and what is the cause of the difference?—Could not ascertain.

17. How does the present vote of your county compare with its average fair vote; and if below that average, what has been the cause of the falling off?—Could not ascertain.

18. What is the political status of the members of your board, as well as that of the managers of election; were they opposed to reconstructing under the acts of Congress, or otherwise minded; and if by chance there be any who are opposed to reconstruction, who are they, and how and by whom were they appointed?—All favor reconstruction.

LAUDERDALE COUNTY.

1. How many election precincts were opened in your county during the recent vote on the constitution submitted to the people for ratification?—Three.

2. How many boxes were opened at each precinct for reception of votes?—Three.

3. How were the number of precincts and number of boxes to be used at each determined upon?—Registrars.

4. In what manner and by whom were the judges or managers of the election selected?—Registrars.

5. Were they duly sworn and required to take the "test oath;" and if not, why not?—No; no instructions.

6. Did your board, during its deliberations, make such arrangements as would insure to the people all necessary facilities for casting their votes?—Yes.

7. For how many days were the polls kept open in your county, and why were they not kept open for five days?—Four days; orders to extend not received.

8. During the progress of the voting did the members of your board visit the several polling places in each precinct; and if not, why not?—No; had no orders.

9. Did they carefully note whether or not the managers, or judges, were faithfully and properly discharging the duties of their office; and if not, why not?—Yes.

10. Did any of the members of your board, or any of the managers of election, canvass for votes for or against the constitution, or in any otherwise take a prominent part in the election during its progress, outside of their bounden duty as registrars or managers; and if they did, who are they, and what did they do?—No.

11. Was the attention of the members of your board given to the manner in which the reception of votes was being conducted, and was everything noticed and corrected which, in your opinion, was calculated to obstruct the voting?—Yes.

12. Was any obstruction offered at the polls calculated to prevent a free and full vote; and if there was, state its kind and character, and also what measures were taken to suppress it; and if no effort was made to protect the voter in his rights, who is to be held responsible for the same?—No.

13. Have you knowledge of any means being resorted to, away from the polls, intended to prevent a full and free expression of opinion by the ballot; and if so, state its kind and character, and the names of those whom you know to have been engaged in the same?—None.

14. Was the notice that the lists of registered voters would be opened for revision given to the people; and were the lists kept open for revision for five days; and if not, why not?—Yes.

15. The number of registered voters being known, what should be considered a fair average vote for your county at this season of the year?—The people staid away to defeat the constitution.

16. How does the number of white votes cast compare with the number of white registered voters, and what is the cause of the difference?—About 150 whites voted out of 1,500 registered. Cause: the people intended to defeat the constitution.

17. How does the present vote of your county compare with its average fair vote; and if below that average, what has been the cause of the falling off?—It was not a fair average vote; the purpose was to defeat the constitution.

18. What is the political status of the members of your board, as well as that of the managers of election; were they opposed to reconstructing under the acts of Congress, or otherwise minded; and if by chance there be any who are opposed to reconstruction, who are they, and how and by whom were they appointed?—All favor reconstruction.

LAWRENCE COUNTY.

1. How many election precincts were opened in your county during the recent vote on the constitution submitted to the people for ratification?—Three.

2. How many boxes were opened at each precinct for reception of votes?—Two at one; one at two.

3. How were the number of precincts and number of boxes to be used, at each, determined upon?—Registrars.

4. In what manner and by whom were the judges or managers of the election selected?—Registrars.

5. Were they duly sworn and required to take the "test oath;" and if not, why not?—No; had no instructions.

6. Did your board, during its deliberations, make such arrangements as would insure to the people all necessary facilities for casting their votes?—Yes.

7. For how many days were the polls kept open in your county, and why were they not kept open for five days?—Five days.

8. During the progress of the voting did the members of your board visit the several polling places in each precinct; and if not, why not?—All but one.

9. Did they carefully note whether or not the managers, or judges, were faithfully and properly discharging the duties of their office; and if not, why not?—At the two that were visited.

10. Did any of the members of your board, or any of the managers of election, canvass for votes for or against the constitution, or in any otherwise take a prominent part in the election during its progress, outside of their bounden duty as registrars or managers; and if they did, who are they, and what did they do?—No.

11. Was the attention of the members of your board given to the manner in which the reception of votes was being conducted, and was everything noticed and corrected which, in your opinion, was calculated to obstruct the voting?—Yes.

12. Was any obstruction offered at the polls calculated to prevent a free and full vote; and if there was, state its kind and character, and also what measures were taken to suppress it; and if no effort was made to protect the voter in his rights, who is to be held responsible for the same?—No.

13. Have you knowledge of any means being resorted to, away from the polls, intended to prevent a full and free expression of opinion by the ballot; and if so, state its kind and character, and the names of those whom you know to have been engaged in the same?—Persuasion; pamphlets and circulars were spread through the country, urging the people to stay from the poles.

14. Was the notice that the lists of registered voters would be opened for revision given to the people; and were the lists kept open for revision for five days; and if not, why not?—Yes.

15. The number of registered voters being known, what should be considered a fair average vote for your county at this season of the year?—2,400.

16. How does the number of white votes cast compare with the number of white registered voters, and what is the cause of the difference?—Whites registered, 1,400; whites voted, 311; cause, hostility to the constitution.

17. How does the present vote of your county compare with its average fair vote; and if below that average, what has been the cause of the falling off?—Much below; cause, hostility to constitution.

18. What is the political status of the members of your board, as well as that of the managers of election; were they opposed to reconstructing under the acts of Congress, or otherwise minded; and if by chance there be any who are opposed to reconstruction, who are they, and how and by whom were they appointed?—All favor reconstruction.

COLBERT COUNTY.

1. How many election precincts were opened in your county during the recent vote on the constitution submitted to the people for ratification?—Three.

2. How many boxes were opened at each precinct for reception of votes?—Three.

3. How were the number of precincts and number of boxes to be used at each determined upon?—Registrars.

4. In what manner and by whom were the judges or managers of the election selected?—Registrars.

5. Were they duly sworn and required to take the "test oath;" and if not, why not?—Yes.

6. Did your board, during its deliberations, make such arrangements as would insure to the people all necessary facilities for casting their votes?—Yes.

7. For how many days were the polls kept open in your county, and why were they not kept open for five days?—Five days.

8. During the progress of the voting did the members of your board visit the several polling places in each precinct; and if not, why not?—Yes.

9. Did they carefully note whether or not the managers, or judges, were faithfully and properly discharging the duties of their office; and if not, why not?—Yes.

10. Did any of the members of your board, or any of the managers of election, canvass for votes for or against the Constitution, or in any otherwise take aprominent part in the election during its progress, outside of their bounden duty as registrars or managers and if they did, who are they, and what did they do?—No.

11. Was the attention of the members of your board given to the manner in which the reception of votes was being conducted, and was everything noticed and corrected which, in your opinion, was calculated to obstruct the voting?—Yes.

12. Was any obstruction offered at the polls calculated to prevent a free and full vote; and if there was, state its kind and character, and also what measures were taken to suppress it; and if no effort was made to protect the voter in his rights, who is to be held responsible for the same?—No.

13. Have you knowledge of any means being resorted to, away from the polls, intended to prevent a full and free expression of opinion by the ballot; and if so, state its kind and character, and the names of those whom you know to have been engaged in the same?—None known.

14. Was the notice that the lists of registered voters would be opened for revision given to the people; and were the lists kept open for revision for five days; and if not, why not?—Yes.

15. The number of registered voters being known, what should be considered a fair average vote for your county at this season of the year?—2,450.

16. How does the number of white votes cast compare with the number of white registered voters, and what is the cause of the difference?—About 25 per cent. voted; main cause, opposition to art. 7, par. 4, of the constitution.

17. How does the present vote of your county compare with its average fair vote; and if below that average, what has been the cause of the falling off?—Below the average; same reason as No. 16.

18. What is the political status of the members of your board, as well as that of the managers of election; were they opposed to reconstructing under the acts of Congress, or otherwise minded; and if by chance there be any who are opposed to reconstruction, who are they, and how and by whom were they appointed?—Favor reconstruction, but oppose art. 7, par. 4, of the constitution.

FRANKLIN COUNTY.

1. How many election precincts were opened in your county during the recent vote on the constitution submitted to the people for ratification?—Three.

2. How many boxes were opened at each precinct for reception of votes?—Three.

3. How were the number of precincts and number of boxes to be used at each determined upon?—Registrars.

4. In what manner and by whom were the judges or managers of the election selected?—Registrars.

5. Were they duly sworn and required to take the "test oath;" and if not, why not?—No; because chairman could not get them.

6. Did your board, during its deliberations, make such arrangements as would insure to the people all necessary facilities for casting their votes?—Yes.

7. For how many days were the polls kept open in your county, and why were they not kept open for five days?—Five days.

8. During the progress of the voting did the members of your board visit the several polling places in each precinct; and if not, why not?—No; could not get there.

9. Did they carefully note whether or not the managers, or judges, were faithfully and properly discharging the duties of their office; and if not, why not?—No.

10. Did any of the members of your board, or any of the managers of election, canvass for votes for or against the constitution, or in any otherwise take a prominent part in the election during its progress, outside of their bounden duty as registrars or managers; and if they did, who are they, and what did they do?—No.

11. Was the attention of the members of your board given to the manner in which the reception of votes was being conducted, and was everything noticed and corrected which, in your opinion, was calculated to obstruct the voting?—Yes.

12. Was any obstruction offered at the polls calculated to prevent a free and full vote; and if there was, state its kind and character, and also what measures were taken to suppress it; and if no effort was made to protect the voter in his rights, who is to be held responsible for the same?—No.

13. Have you knowledge of any means being resorted to, away from the polls, intended to prevent a full and free expression of opinion by the ballot; and if so, state its kind and character, and the names of those whom you know to have been engaged in the same?—None known.

14. Was the notice that the lists of registered voters would be open for revision given to the people; and were the lists kept open for revision five days; and if not, why not?—Yes.

15. The number of registered voters being known, what should be considered a fair average vote for your county at this season of the year?—No answer.

16. How does the number of white voters cast compare with the number of white registered voters, and what is the cause of the difference?—About 55 per cent.; same reason as in Colbert county.

17. How does the present vote of your county compare with its average fair vote; and if below that average, what has been the cause of the falling off?—Same as in Colbert county.

18. What is the political status of the members of your board, as well as that of the managers of election; were they opposed to reconstructing under the acts of Congress, or otherwise minded; and if by chance there be any who are opposed to reconstruction, who are they, and how and by whom were they appointed?—Same as in Colbert county.

LIMESTONE COUNTY.

1. How many election precincts were opened in your county during the recent vote on the constitution submitted to the people for ratification?—Three.

2. How many boxes were opened at each precinct for reception of votes?—One.

3. How were the number of precincts and number of boxes to be used at each determined upon?—Registrars.

4. In what manner and by whom were the judges or managers of the election selected?—Registrars.

5. Were they duly sworn and required to take the "test oath;" and if not, why not?—Yes.

6. Did your board, during its deliberations, make such arrangements as would insure to the people all necessary facilities for casting their votes?—Yes.

7. For how many days were the polls kept open in your county, and why were they not kept open for five days?—Five days.

8. During the progress of the voting did the members of your board visit the several polling places in each precinct; and if not, why not?—Yes.

9. Did they carefully note whether or not the managers, or judges, were faithfully and properly discharging the duties of their office; and if not, why not?—Yes.

10. Did any of the members of your board, or any of the managers of election, canvass for votes for or against the constitution, or in any otherwise take a prominent part in the election during its progress, outside of their bounden duty as registrars or managers; and if they did, who are they, and what did they do?—No.

11. Was the attention of the members of your board given to the manner in which the reception of votes was being conducted, and was everything noticed and corrected which, in your opinion, was calculated to obstruct the voting?—Yes.

12. Was any obstruction offered at the polls calculated to prevent a free and full vote; and if there was, state its kind and character, and also what measures were taken to suppress it; and if no effort was made to protect the voter in his rights, who is to be held responsible for the same?—No.

13. Have you knowledge of any means being resorted to, away from the polls, intended to prevent a full and free expression of opinion by the ballot; and if so, state its kind and character, and the names of those whom you know to have been engaged in the same?—None known; though it is believed there was.

14. Was the notice that the lists of registered voters would be opened for revision given to the people; and were the lists kept open for revision for five days; and if not, why not?—Yes.

15. The number of registered voters being known, what should be considered a fair average vote for your county at this season of the year?—Cannot say.

16. How does the number of white votes cast compare with the number of white registered voters, and what is the cause of the difference?—Very small; cause, opposition to the constitution.

17. How does the present vote of your county compare with its average fair vote; and if below that average, what has been the cause of the falling off?—Small; opposition to constitution.

18. What is the political status of the members of your board, as well as that of the managers of election; were they opposed to reconstructing under the acts of Congress, or otherwise minded; and if by chance there be any who are opposed to reconstruction, who are they, and how and by whom were they appointed?—Registrars' status not given; judges divided; but none opposed reconstruction.

MORGAN COUNTY.

1. How many election precincts were opened in your county during the recent vote on the constitution submitted to the people for ratification?—Three.

2. How many boxes were opened at each precinct for reception of votes?—One.

3. How were the number of precincts and number of boxes to be used at each determined upon?—Registrars.

4. In what manner and by whom were the judges or managers of the election selected?—Registrars.

5. Were they duly sworn and required to take the "test oath;" and if not, why not?—Yes.

6. Did your board during its deliberations make such arrangements as would insure to the people all necessary facilities for casting their votes?—Yes.

7. For how many days were the polls kept open in your county; and why were they not kept open for five days?—Five days.

8. During the progress of the voting did the members of your board visit the several polling places in each precinct; and if not, why not?—Yes.

9. Did they carefully note whether or not the managers, or judges, were faithfully and properly discharging the duties of their office; and if not, why not?—Yes.

10. Did any of the members of your board, or any of the managers of election, canvass for votes for or against the constitution, or in any otherwise take a prominent part in the election during its progress, outside of their bounden duty as registrars or managers; and if they did, who are they, and what did they do?—No.

11. Was the attention of the members of your board given to the manner in which the reception of votes was being conducted, and was everything noticed and corrected which, in your opinion, was calculated to obstruct the voting?—Yes.

12. Was any obstruction offered at the polls calculated to prevent a free and full vote; and if there was, state its kind and character, and also what measures were taken to suppress it; and if no effort was made to protect the voter in his rights, who is to be held responsible for the same?—No.

13. Have you knowledge of any means being resorted to, away from the polls, intended to prevent a full and free expression of opinion by the ballot; and if so, state its kind and character, and the names of those whom you know to have been engaged in the same?—None.

14. Was the notice that the lists of registered voters would be opened for revision given to the people; and were the lists kept open for revision for five days; and if not, why not?—Yes.

15. The number of registered voters being known, what should be considered a fair average vote for your county at this season of the year?—900 or 1,000.

16. How does the number of white votes cast compare with the number of white registered voters, and what is the cause of the difference?—Very small; cause, opposition to the constitution.

17. How does the present vote of your county compare with its average fair vote; and if below that average, what has been the cause of the falling off?—Small, on account of opposition to constitution.

18. What is the political status of the members of your board, as well as that of the managers of election; were they opposed to reconstructing under the acts of Congress, or otherwise minded; and if by chance there be any who are opposed to reconstruction, who are they, and how and by whom were they appointed?—All the judges favor reconstruction; nothing said about registrars.

CHEROKEE COUNTY.

1. How many election precincts were opened in your county during the recent vote on the constitution submitted to the people for ratification?—Three.

2. How many boxes were opened at each precinct for reception of votes?—Two.

3. How were the number of precincts and number of boxes to be used at each determined upon?—Chairman board of registrars.

4. In what manner and by whom were the judges or managers of the election selected?—Chairman board of registrars.

5. Were they duly sworn and required to take the "test oath;" and if not, why not?—Duly sworn, but did not take test oath; chairman said he had no instructions.

6. Did your board, during its deliberations, make such arrangements as would insure to the people all necessary facilities for casting their votes?—Yes.

7. For how many days were the polls kept open in your county, and why were they not kept open for five days?—Four days; had no orders to extend.

8. During the progress of the voting did the members of your board visit the several polling places in each precinct; and if not, why not?—Yes.

9. Did they carefully note whether or not the managers, or judges, were faithfully and properly discharging the duties of their office; and if not, why not?—Yes.

10. Did any of the members of your board, or any of the managers of election, canvass for votes for or against the constitution, or in any otherwise take a prominent part in the election during its progress, outside of their bounden duty as registrars or managers; and if they did, who are they, and what did they do?—No.

11. Was the attention of the members of your board given to the manner in which the reception of votes was being conducted, and was everything noticed and corrected which, in your opinion, was calculated to obstruct the voting?—Yes.

12. Was any obstruction offered at the polls calculated to prevent a free and full vote; and if there was, state its kind and character, and also what measures were taken to suppress it; and if no effort was made to protect the voter in his rights, who is to be held responsible for the same?—No.

13. Have you knowledge of any means being resorted to, away from the polls, intended to prevent a full and free expression of opinion by the ballot; and if so, state its kind and character, and the names of those whom you know to have been engaged in the same?—None, to the knowledge of any one I examined.

14. Was the notice that the lists of registered voters would be opened for revision given to the people; and were the lists kept open for revision for five days; and if not, why not?—Yes.

15. The number of registered voters being known, what should be considered a fair average vote for your county at this season of the year?—The actual vote, 1,200, is a very fair vote for the county; but only 350 voted for the constitution.

16. How does the number of white votes cast compare with the number of white registered voters, and what is the cause of the difference?—Compares favorably.

17. How does the present vote of your county compare with its average fair vote; and if below that average, what has been the cause of the falling off?—Cannot say.

18. What is the political status of the members of your board, as well as that of the managers of election; were they opposed to reconstructing under the

acts of Congress, or otherwise minded; and if by chance there be any who are opposed to reconstruction, who are they, and how and by whom were they appointed?—Some judges favored, some opposed constitution; nothing said as to registrars.

MARSHALL COUNTY.

1. How many election precincts were opened in your county during the recent vote on the constitution submitted to the people for ratification?—Three.

2. How many boxes were opened at each precinct for reception of votes?—One.

3. How were the number of precincts and number of boxes to be used at each determined upon?—By the streams dividing county.

4. In what manner and by whom were the judges or managers of the election selected?—Colored registrar of the district.

5. Were they duly sworn and required to take the "test oath;" and if not, why not?—No; had no instructions as to test oath.

6. Did your board during its deliberations make such arrangements as would insure to the people all necessary facilities for casting their votes?—Yes.

7. For how many days were the polls kept open in your county, and why were they not kept open for five days?—Four days; other order not received.

8. During the progress of the voting did the members of your board visit the several polling places in each precinct; and if not, why not?—No; district so large.

9. Did they carefully note whether or not the managers, or judges, were faithfully and properly discharging the duties of their office; and if not, why not?—As far as they could.

10. Did any of the members of your board, or any of the managers of election, canvass for votes for or against the constitution, or in any otherwise take a prominent part in the election during its progress, outside of their bounden duty as registrars, or managers; and if they did, who are they, and what did they do?—Registrars did not; don't know as to managers.

11. Was the attention of the members of your board given to the manner in which the reception of votes was being conducted, and was everything noticed and corrected which, in your opinion, was calculated to obstruct the voting?—Yes.

12. Was any obstruction offered at the polls calculated to prevent a free and full vote; and if there was, state its kind and character, and also what measures were taken to suppress it; and if no effort was made to protect the voter in his rights, who is to be held responsible for the same?—No.

13. Have you knowledge of any means being resorted to, away from the polls, intended to prevent a full and free expression of opinion by the ballot; and if so, state its kind and character, and the names of those whom you know to have been engaged in the same?—White man threats to discharge colored if they voted for constitution; don't know who is responsible.

14. Was the notice that the lists of registered voters would be opened for revision given to the people; and were the lists kept open for revision for five days, and if not; why not?—Yes.

15. The number of registered voters being known, what should be considered a fair average vote for your county at this season of the year?—950.

16. How does the number of white votes cast compare with the number of white registered voters, and what is the cause of the difference?—One-third whites voted; opposition to constitution is the cause of so few voting.

17. How does the present vote of your county compare with its average fair vote; and if below that average, what has been the cause of the falling off?—About one-half; bad weather, too few precincts, and reasons given in answer to No. 16.

18. What is the political status of the members of your board, as well as that of the managers of election; were they opposed to reconstructing under the acts of Congress, or otherwise minded; and if by chance there be any who are opposed to reconstruction, who are they, and how and by whom are they appointed?—All favor reconstruction.

DE KALB COUNTY.

1. How many election precincts were opened in your county during the recent vote on the constitution submitted to the people for ratification?—Twelve.

2. How many boxes were opened at each precinct for reception of votes?—Three.

3. How were the number of precincts and number of boxes to be used at each determined upon?—According to Orders No. 101.

4. In what manner and by whom were the judges or managers of the election selected?—Registrar of the county.

5. Were they duly sworn and required to take the "test oath;" and if not, why not?—No; did not have a copy; nor could all the judges take it.

6. Did your board, during its deliberations, make such arrangements as would insure to the people all necessary facilities for casting their votes?—Yes.

7. For how many days were the polls kept open in your county, and why were they not kept open for five days?—Two days; did not get other orders in time.

8. During the progress of the voting did the members of your board visit the several polling places in each precinct; and if not, why not?—No; could not on account of size and shape of county.

9. Did they carefully note whether or not the managers, or judges, were faithfully and properly discharging the duties of their; office and if not, why not?—Yes, when we could be present.

10. Did any of the members of your board, or any of the managers of election, canvass for votes for or against the constitution, or in any otherwise take a prominent part in the election during its progress, outside of their bounden duty as registrars or managers; and if they did, who are they, and what did they do?—No; except the registrar, who was a candidate.

11. Was the attention of the members of your board given to the manner in which the reception of votes was being conducted, and was everything noticed and corrected which in your opinion was calculated to obstruct the voting?—Yes.

12. Was any obstruction offered at the polls calculated to prevent a free and full vote; and if there was, state its kind and character, and also what measures were taken to suppress it; and if no effort was made to protect the voter in his rights, who is to be held responsible for the same?—No.

13. Have you knowledge of any means being resorted to, away from the polls, intended to prevent a full and free expression of opinion by the ballot; and if so, state its kind and character, and the names of those whom you know to have been engaged in the same?—None.

14. Was the notice that the lists of registered voters would be opened for revision given to the people; and were the lists kept open for revision for five days; and if not, why not?—Yes.

15. The number of registered voters being known, what should be considered a fair average vote for your county at this season of the year?—About 650.

16. How does the number of white votes cast compare with the number of white registered voters, and what is the cause of the difference?—About 900 whites registered, and about 650 voted; cause, opposition to the constitution.

17. How does the present vote of your county compare with its average fair vote; and if below that average, what has been the cause of the falling off?—Fair vote.

18. What is the political status of the members of your board, as well as that of the managers of election; were they opposed to reconstructing under the acts of Congress, or otherwise minded; and if by chance there be any who are opposed to reconstruction, who are they, and how and by whom were they appointed?—All favor reconstruction.

BAINE COUNTY.

1. How many election precincts were opened in your county during the recent vote on the constitution submitted to the people for ratification?—Three.

2. How many boxes were opened at each precinct for reception of votes?—One.

3. How were the number of precincts and number of boxes to be used at each determined upon?—By the streams dividing county.

4. In what manner and by whom were the judges or managers of the election selected?—Registrar of county.

5. Were they duly sworn and required to take the "test oath;" and if not, why not?—No; had no instructions.

6. Did your board, during its deliberations, make such arrangements as would insure to the people all necessary facilities for casting their votes?—Yes.

7. For how many days were the polls kept open in your county, and why were they not kept open for five days?—Four days; other order not received.

8. During the progress of the voting did the members of your board visit the several polling places in each precinct; and if not, why not?—No; district too large.

9. Did they carefully note whether or not the managers, or judges, were faithfully and properly discharging the duties of their office; and if not, why not?—So far as they could.

10. Did any of the members of your board, or any of the managers of election, canvass for votes for or against the constitution, or in any otherwise take a prominent part in the election during its progress, outside of their bounden duty as registrars or managers; and if they did, who are they, and what did they do?—Registrars did not; managers may have done so.

11. Was the attention of the members of your board given to the manner in which the reception of votes was being conducted, and was everything noticed and corrected which in your opinion was calculated to obstruct the voting?—Yes.

12. Was any obstruction offered at the polls calculated to prevent a free and full vote, and if there was, state its kind and character; and also what measures were taken to suppress it; and if no effort was made to protect the voter in his rights, who is to be held responsible for the same?—Only by posting handbills advising people not to vote.

13. Have you knowledge of any means being resorted to, away from the polls, intended to prevent a full and free expression of opinion by the ballot; and if so, state its kind and character, and the names of those whom you know to have been engaged in the same?—Not to my knowledge.

14. Was the notice that the lists of registered voters would be opened for revision given to the people; and were the lists kept open for revision for five days; and if not, why not?—Yes.

15. The number of registered voters being known, what should be considered a fair average vote for your county at this season of the year?—About 800; high water, and so few precincts reduced the vote.

16. How does the number of white votes cast compare with the number of white registered voters, and what is the cause of the difference?—One-fifth of the whites voted; hostility to the constitution was the reason so few voted.

17. How does the present vote of your county compare with its average

fair vote; and if below that average, what has been the cause of the falling off?—About one-third; reasons given in 15 and 16.

18. What is the political status of the members of your board, as well as that of the managers of election; were they opposed to reconstructing under the acts of Congress, or otherwise minded; and if by chance there be any who are opposed to reconstruction, who are they, and how and by whom were they appointed?—Favor reconstruction.

BLOUNT COUNTY.

1. How many election precincts were opened in your county during the recent vote on the constitution submitted to the people for ratification?—Twelve.

2. How many boxes were opened at each precinct for reception of votes?—One.

3. How were the number of precincts and number of boxes to be used at each determined upon?—Chairman board of registrars.

4. In what manner and by whom were the judges or managers of the election selected?—Chairman board of registrars.

5. Were they duly sworn and required to take the "test oath;" and if not, why not?—Yes.

6. Did your board, during its deliberations, make such arrangements as would insure to the people all necessary facilities for casting their votes?—Yes.

7. For how many days were the polls kept open in your county, and why were they not kept open for five days?—Three days; no other orders received in time.

8. During the progress of the voting did the members of your board visit the several polling places in each precinct; and if not, why not?—No. Bad roads and so many boxes.

9. Did they carefully note whether or not the managers, or judges, were faithfully and properly discharging the duties of their office; and if not, why not?—Yes.

10. Did any of the members of your board, or any of the managers of election, canvass for votes for or against the constitution, or in any otherwise take a prominent part in the election during its progress, outside of their bounden duty as registrars or managers; and if they did, who are they, and what did they do?—Mr. Wooten, one of the registrars, is reported to have threatened and persuaded voters against the constitution.

11. Was the attention of the members of your board given to the manner in which the reception of votes was being conducted, and was everything noticed and corrected which, in your opinion, was calculated to obstruct the voting?—Yes.

12. Was any obstruction offered at the polls calculated to prevent a free and full vote; and if there was, state its kind and character, and also what measures were taken to suppress it; and if no effort was made to protect the voter in his rights, who is to be held responsible for the same?—No.

13. Have you knowledge of any means being resorted to, away from the polls, intended to prevent a full and free expression of opinion by the ballot; and if so, state its kind and character, and the names of those whom you know to have been engaged in the same?—None, except Mr. Wooten.

14. Was the notice that the lists of registered voters would be opened for revision given to the people; and were the lists kept open for revision for five days; and if not, why not?—Yes.

15. The number of registered voters being known, what should be considered a fair average vote for your county at this season of the year?—About 1,100.

16. How does the number of white votes cast compare with the number of white registered voters, and what is the cause of the difference?—About one-fourth.

17. How does the present vote of your county compare with its average fair vote; and if below that average, what has been the cause of the falling off?—Some having left, others opposed to the constitution.

18. What is the political status of the members of your board, as well as that of the managers of election; were they opposed to reconstruction under the acts of Congress, or otherwise minded; and if by chance there be any who are opposed to reconstruction, who are they, and how and by whom are they appointed?—All in favor except Mr. Wooten.

ST. CLAIR COUNTY.

1. How many election precincts were opened in your county during the recent vote on the constitution submitted to the people for ratification?—Four.

2. How many boxes were opened at each precinct for reception of votes?—One.

3. How were the number of precincts and number of boxes to be used at each determined upon?—Chairman board of registrars.

4. In what manner and by whom were the judges or managers of the election selected?—Chairman board of registrars.

5. Were they duly sworn and required to take the "test oath;" and if not, why not?—Yes.

6. Did your board, during its deliberations, make such arrangements as would insure to the people all necessary facilities for casting their votes?—Yes.

7. For how many days were the polls kept open in your county, and why were they not kept open for five days?—Two days; no orders to extend received.

8. During the progress of the voting did the members of your board visit the several polling places in each precinct; and if not, why not?—No. Bad roads, bad weather, &c.

9. Did they carefully note whether or not the managers or judges were faithfully and properly discharging the duties of their office; and if not, why not?—Yes.

10. Did any of the members of your board, or any of the managers of election, canvass for votes for or against the constitution, or in any otherwise take a prominent part in the election during its progress, outside of their bounden duty as registrars or managers; and if they did, who are they, and what did they do?—No.

11. Was the attention of the members of your board given to the manner in which the reception of votes was being conducted, and was everything noticed and corrected which, in your opinion, was calculated to obstruct the voting?—Yes.

12. Was any obstruction offered at the polls calculated to prevent a free and full vote; and if there was, state its kind and character, and also what measures were taken to suppress it; and if no effort was made to protect the voter in his rights, who is to be held responsible for the same?—No.

13. Have you knowledge of any means being resorted to, away from the polls, intended to prevent a full and free expression of opinion by the ballot; and if so, state its kind and character, and the names of those whom you know to have been engaged in the same?—Whites threatened to turn off blacks from employ.

14. Was the notice that the lists of registered voters would be opened for revision given to the people; and were the lists kept open for revision for five days, and if not, why not?—Yes.

15. The number of registered voters being known, what should be considered a fair average vote for your county at this season of the year?—About 900.

16. How does the number of white votes cast compare with the number of white registered voters, and what is the cause of the difference?—About one-third, some having moved away.

17. How does the present vote of your county compare with its average fair vote; and if below that average, what has been the cause of the falling off?—Below average, some having moved away; freedmen threatened; bad roads; and desire to defeat constitution.

18. What is the political status of the members of your board, as well as that of the managers of election; were they opposed to reconstructing under the acts of Congress, or otherwise minded; and if by chance there be any who are opposed to reconstruction, who are they, and how and by whom were they appointed?—All in favor of reconstruction.

MARION COUNTY.

1. How many election precincts were opened in your county during the recent vote on the constitution submitted to the people for ratification?—Nine.

2. How many boxes were opened at each precinct for reception of votes?—One.

3. How were the number of precincts and number of boxes to be used at each determined upon?—Registrars.

4. In what manner and by whom were the judges or managers of the election selected?—Registrars.

5. Were they duly sworn and required to take the "test oath;" and if not, why not?—No; no orders or blanks.

6. Did your board, during its deliberations, make such arrangements as would insure to the people all necessary facilities for casting their votes?—Yes.

7. For how many days were the polls kept open in your county, and why were they not kept open for five days?—Two days; no other orders.

8. During the progress of the voting did the members of your board visit the several polling places in each precinct; and if not, why not?—No; too many precincts.

9. Did they carefully note whether or not the managers, or judges, were faithfully and properly discharging the duties of their office; and if not, why not?—No; too many precincts.

10. Did any of the members of your board, or any of the managers of election, canvass for votes for or against the constitution, or in any otherwise take a prominent part in the election during its progress, outside of their bounden duty as registrars or managers; and if they did, who are they, and what did they do?—No.

11. Was the attention of the members of your board given to the manner in which the reception of votes was being conducted, and was everything noticed and corrected which, in your opinion, was calculated to obstruct the voting?—Yes.

12. Was any obstruction offered at the polls calculated to prevent a free and full vote; and if there was, state its kind and character, and also what measures were taken to suppress it; and if no effort was made to protect the voter in his rights, who is to be held responsible for the same?—No.

13. Have you knowledge of any means being resorted to, away from the polls, intended to prevent a full and free expression of opinion by the ballot; and if so, state its kind and character, and the names of those whom you know to have been engaged in the same?—None.

14. Was the notice that the lists of registered voters would be opened for revision given to the people; and were the lists kept open for revision for five days; and if not, why not?—No; did not receive order in time to open five days.

15. The number of registered voters being known, what should be considered a fair average vote for your county at this season of the year?—Four hundred.

16. How does the number of white votes cast compare with the number of white registered voters, and what is the cause of the difference?—About one out

of every three and a half came; cause; bad weather, high water, and the advice not to vote.

17. How does the present vote of your county compare with its average fair vote; and if below that average, what has been the cause of the falling off?—Below average; cause, bad weather, high water, &c.

18. What is the political status of the members of your board, as well as that of the managers of election; were they opposed to reconstructing under the acts of Congress, or otherwise minded; and if by chance there are any who are opposed to reconstruction, who are they, and how and by whom were they appointed?—All in favor of reconstruction.

JONES COUNTY.

1. How many election precincts were opened in your county during the recent vote on the constitution submitted to the people for ratification?—Twelve.

2. How many boxes were opened at each precinct for reception of votes?—One.

3. How were the number of precincts and number of boxes to be used at each determined upon?—Registrars.

4. In what manner and by whom were the judges or managers of the election selected?—Registrars.

5. Were they duly sworn and required to take the "test oath;" and if not, why not?—No; no orders or blanks.

6. Did your board, during its deliberations, make such arrangements as would insure to the people all necessary facilities for casting their votes?—Yes.

7. For how many days were the polls kept open in your county, and why were they not kept open for five days?—Two days; no other orders.

8. During the progress of the voting did the members of your board visit the several polling places in each precinct; and if not, why not?—No; too many precincts.

9. Did they carefully note whether or not the managers, or judges, were faithfully and properly discharging the duties of their office; and if not, why not?—No; too many precincts.

10. Did any of the members of your board, or any of the managers of election, canvass for votes for or against the constitution, or in any otherwise take a prominent part in the election during its progress, outside of their bounden duty as registrars, or managers; and if they did, who are they, and what did they do?—No.

11. Was the attention of the members of your board given to the manner in which the reception of votes was being conducted, and was everything noticed and corrected which, in your opinion, was calculated to obstruct the voting?—Yes.

12. Was any obstruction offered at the polls calculated to prevent a free and full vote; and if there was, state its kind and character, and also what measures were taken to suppress it; and if no effort was made to protect the voter in his rights, who is to be held responsible for the same?—No.

13. Have you any knowledge of any means being resorted to, away from the polls, intended to prevent a full and free expression of opinion by the ballot; and if so, state its kind and character, and the names of those whom you know to have been engaged in the same?—None.

14. Was the notice that the lists of registered voters would be open for revision given to the people; and were the lists kept open for five days; and if not, why not?—No; did not receive order in time to open five days.

15. The number of registered voters being known, what should be considered a fair average vote for your county at this season of the year?—Six hundred and seventy-five.

16. How does the number of white votes cast compare with the number of

white registered voters, and what is the cause of the difference?—About one out of every three and a half came; cause, bad weather, high water, and the advice not to vote.

17. How does the present vote of your county compare with its average fair vote; and if below that average, what has been the cause of the falling off?—Below average; cause, bad weather, high water, &c.

18. What is the political status of the members of your board, as well as that of the managers of election; were they opposed to reconstructing under the acts of Congress, or otherwise minded; and if by chance there be any who are opposed to reconstruction, who are they, and how and by whom were they appointed?—Some managers voted against constitution; appointed by registrars.

FAYETTE COUNTY.

1. How many election precincts were opened in your county during the recent vote on the constitution submitted to the people for ratification?—Twelve.

2. How many boxes were opened at each precinct for reception of votes?—One.

3. How were the number of precincts and number of boxes to be used at each determined upon?—Registrars.

4. In what manner and by whom were the judges or managers of the election selected?—Registrars.

5. Were they duly sworn and required to take the "test oath;" and if not, why not?—No; no orders or blanks.

6. Did your board, during its deliberations, make such arrangements as would insure to the people all necessary facilities for casting their votes?—Yes.

7. For how many days were the polls kept open in your county, and why were they not kept open for five days?—Four days at two precincts; two days at ten; no orders received in time.

8. During the progress of the voting, did the members of your board visit the several polling places in each precinct; and if not, why not?—No; too many precincts.

9. Did they carefully note whether or not the managers, or judges, were faithfully and properly discharging the duties of their office; and if not, why not?—No; too many precincts.

10. Did any of the members of your board, or any of the managers of election, canvass for votes for or against the constitution, or in any otherwise take a prominent part in the election during its progress, outside of their bounden duty as registrars or managers; and if they did, who are they, and what did they do?—No.

11. Was the attention of the members of your board given to the manner in which the reception of votes was being conducted, and was everything noticed and corrected which, in your opinion, was calculated to obstruct the voting?—Yes.

12. Was any obstruction offered at the polls calculated to prevent a free and full vote; and if there was, state its kind and character, and also what measures were taken to suppress it; and if no effort was made to protect the voter in his rights, who is to be held responsible for the same?—Yes; at one precinct Mark and John Russell and Mr. Harris threatened to mob the managers; they were drunk. The ballot-boxes were moved to Lincoln boat No. 1, and then the election was conducted properly.

13. Have you knowledge of any means being resorted to, away from the polls, intended to prevent a full and free expression of opinion by the ballot; and if so, state its kind and character, and the names of those whom you know to have been engaged in the same?—B. H. Williams and E. P. Jones published speeches urging voting against constitution. Liquor was given to freedmen to induce them to vote against their intuitions.

14. Was the notice that the list of registered voters would be opened for revision given to the people; and were the lists kept open for revision for five days; and if not, why not?—No; did not receive order in time to open five days.

15. The number of registered voters being known, what should be considered a fair average vote for your county at this season of the year?—Six hundred.

16. How does the number of votes cast compare with the number of white registered voters, and what is the cause of the difference?—About one out of every three and a half came; cause, bad weather, high water, and the advice not to vote.

17. How does the present vote of your county compare with its average fair vote; and if below that average, what has been the cause of the falling off?—Below average; cause, bad weather, high water, &c.

18. What is the political status of the members of your board, as well as that of the managers of election; were they opposed to reconstructing under the acts of Congress, or otherwise minded; and if by chance there be any who are opposed to reconstruction, who are they, and how and by whom were they appointed? Some managers voted against constitution; appointed by registrars.

SHELBY COUNTY.

1. How many election precincts were opened in your county during the recent vote on the constitution submitted to the people for ratification?—Three.

2. How many boxes were opened at each precinct for reception of votes?—Three.

3. How were the number of precincts and number of boxes to be used at each determined upon?—I. R. Walker, first chairman of the board.

4. In what manner and by whom were the judges or managers of the election selected?—I. R. Walker, first chairman of the board.

5. Were they duly sworn and required to take the "test oath;" and if not, why not?—Not all.

6. Did your board, during its deliberations, make such arrangements as would insure to the people all necessary facilities for casting their votes?—No.

7. For how many days were the polls kept open in your county, and why were they not kept open for five days?—Four days. Order not received.

8. During the progress of the voting, did the members of your board visit the several polling places in each precinct; and if not, why not?—No. High water.

9. Did they carefully note whether or not the managers, or judges, were faithfully and properly discharging the duties of their office; and if not, why not?—Yes.

10. Did any of the members of your board, or any of the managers of election, canvass for votes for or against the constitution, or in any otherwise take a prominent part in the election during its progress, outside of their bounden duty as registrars or managers; and if they did, who are they, and what did they do?—No.

11. Was the attention of the members of your board given to the manner in which the reception of votes was being conducted, and was everything noticed and corrected which, in your opinion, was calculated to obstruct the voting?—Yes.

12. Was any obstruction offered at the polls calculated to prevent a free and full vote; and if there was, state its kind and character, and also what measures were taken to suppress it; and if no effort was made to protect the voter in his rights, who is to be held responsible for the same?—No.

13. Have you knowledge of any means being resorted to, away from the polls, intended to prevent a full and free expression of opinion by the ballot; and if so, state its kind and character, and the names of those whom you know to have been engaged in the same?—None.

14. Was the notice that the lists of registered voters would be opened for revision given to the people; and were the lists kept open for revision for five days; and if not, why not?—Cannot find out.

15. The number of registered voters being known, what should be considered a fair average vote for your county at this season of the year?—1,700.

16. How does the number of white votes cast compare with the number of white registered voters, and what is the cause of the difference?—One-fourth voted. Know of no reason except opposition to constitution.

17. How does the present vote of your county compare with its average fair vote; and if below that average, what has been the cause of the falling off?—Not able to answer this.

18 What is the political status of the members of your board, as well as that of the managers of election; were they opposed to reconstructing under the acts of Congress, or otherwise minded; and if by chance there be any who are opposed to reconstruction, who are they, and how and by whom were they appointed?—I think all, both registrars and judges, favor reconstruction, but none in favor of the constitution except the colored registrar.

TALLADEGA COUNTY.

1. How many election precincts were opened in your county during the recent vote on the constitution submitted to the people for ratification?—Three.

2. How many boxes were opened at each precinct for reception of votes?—One.

3. How were the number of precincts and number of boxes to be used at each determined upon?—Registrars.

4. In what manner and by whom were the judges or managers of the election selected?—Registrars.

5. Were they duly sworn and required to take the "test oath;" and if not, why not?—Yes.

6. Did your board, during its deliberations, make such arrangements as would insure to the people all necessary facilities for casting their votes?—Yes.

7. For how many days were the polls kept open in your county, and why were they not kept open for five days?—Five days at one, four days at two. Orders not received in time at the two boxes.

8. During the progress of the voting did the members of your board visit the several polling places in each precinct; and if not, why not?—Were at two boxes all the time.

9. Did they carefully note whether or not the managers, or judges, were faithfully and properly discharging the duties of their office; and if not, why not?—Yes; at the two boxes where they were.

10. Did any of the members of your board, or any of the managers of election, canvass for votes for or against the constitution, or in any otherwise take a prominent part in the election during its progress, outside of their bounden duty as registrars or managers; and if they did, who are they, and what did they do?—No.

11. Was the attention of the members of your board given to the manner in which the reception of votes was being conducted, and was everything noticed and corrected which, in your opinion, was calculated to obstruct the voting?—Yes.

12. Was any obstruction offered at the polls calculated to prevent a free and full vote; and if there was, state its kind and character, and also what measures were taken to suppress it; and if no effort was made to protect the voter in his rights, who is to be held responsible for the same?—No.

13. Have you knowledge of any means being resorted to, away from the polls, intended to prevent a full and free expression of opinion by the ballot; and if so, state its kind and character, and the names of those whom you know

to have been engaged in the same?—Know nothing of our own knowledge, but have heard that threats were made to discharge blacks for voting, and also that other parties threatened them with arrest and corporeal punishment if they did not vote.

14. Was the notice that the lists of registered voters would be opened for revision given to the people; and were the lists kept open for revision for five days; and if not, why not?—Yes.

15. The number of registered voters being known, what should be considered a fair average vote for your county at this season of the year?—Cannot say; but the colored vote is nearly as large as in October.

16. How does the number of white votes cast compare with the number of white registered voters, and what is the cause of the difference?—About three-tenths of whites voted; they hoped by not voting to defeat the constitution.

17. How does the present vote of your county compare with its average fair vote; and if below that average, what has been the cause of the falling off?—I have no means of knowing; there having been but one election under present constitution.

18. What is the political status of the members of your board, as well as that of the managers of election; were they opposed to reconstructing under the acts of Congress, or otherwise minded; and if by chance there be any who are opposed to reconstruction, who are they, and how and by whom were they appointed?—They are opposed.

PERRY COUNTY.

1. How many election precincts were opened in your county during the recent vote on the constitution submitted to the people for ratification?—Three.

2. How many boxes were opened at each precinct for reception of votes?—One.

3. How were the number of precincts and number of boxes to be used at each determined upon?—By the registrars.

4. In what manner and by whom were the judges or managers of the election selected?—By the registrars; having due regard to convenience of voters, and the judges by their fitness.

5. Were they duly sworn and required to take the "test oath;" and if not, why not?—Yes.

6. Did your board, during its deliberations, make such arrangements as would insure to the people all necessary facilities for casting their votes?—Yes.

7. For how many days were polls kept open in your county, and why were they not kept open for five days?—Five days at two, four days at one; order not received in time.

8. During the progress of the voting did the members of your board visit the several polling places in each precinct; and if not, why not?—Yes.

9. Did they carefully note whether or not the managers, or judges, were faithfully and properly discharging the duties of their office; and if not, why not?—Yes.

10. Did any of the members of your board, or any of the managers of election, canvass for votes for or against the constitution, or in any otherwise take a prominent part in the election during its progress, outside of their bounden duty as registrars or managers; and if they did, who are they, and what did they do?—No.

11. Was the attention of the members of your board given to the manner in which the reception of votes was being conducted, and was everything noticed and corrected which, in your opinion, was calculated to obstruct the voting?—Yes.

12. Was any obstruction offered at the polls calculated to prevent a free and

full vote; and if there was, state its kind and character, and also what measures were taken to suppress it; and if no effort was made to protect the voter in his rights, who is to be held responsible for the same?—No.

13. Have you knowledge of any means being resorted to, away from the polls, intended to prevent a full and free expression of opinion by the ballot; and if so, state its kind and character, and the names of those whom you know to have been engaged in the same?—None. It is reported that some planters said they would not employ negroes who voted.

14. Was the notice that the lists of registered voters would be opened for revision given to the people; and were the lists kept open for revision for five days; and if not, why not?—Yes.

15. The number of registered voters being known, what should be considered a fair average vote for your county at this season of the year?—4,200.

16. How does the number of white votes cast compare with the number of white registered voters, and what is the cause of the difference?—24 whites voted out of 1,066 registered. They stayed away to defeat the constitution.

17. How does the present vote of your county compare with its average fair vote; and if below that average, what has been the cause of the falling off?—Average, 4,200; actual vote, 3,693. Falling off caused by whites not voting.

18. What is the political status of the members of your board, as well as that of the managers of election; were they opposed to reconstructing under the acts of Congress, or otherwise minded; and if by chance there be any who are opposed to reconstruction, who are they, and how and by whom were they appointed?—All favor reconstruction.

BIBB COUNTY.

1. How many election precincts were opened in your county during the recent vote on the constitution submitted to the people for ratification?—Three.

2. How many boxes were opened at each precinct for reception of votes?—One.

3. How were the number of precincts and number of boxes to be used at each determined upon?—By the registrars; having due regard to convenience of voters and the judges by their fitness.

4. In what manner and by whom were the judges or managers of the election selected?—By the registrars; having due regard to convenience of voters and the judges by their fitness.

5. Were they duly sworn and required to take the "test oath;" and if not, why not?—No. Did not know it was required.

6. Did your board, during its deliberations, make such arrangements as would insure to the people all necessary facilities for casting their votes?—Yes.

7. For how many days were the polls kept open in your county, and why were they not kept open for five days?—Four days at two, three days at one; all voted in the three days and the polls were closed.

8. During the progress of the voting did the members of your board visit the several polling places in each precinct; and if not, why not?—No. Chairman sick, or refused; other men were in Shelby county.

9. Did they carefully note whether or not the managers or judges, were faithfully and properly discharging the duties of their office; and if not, why not?—No. For reason given in number eight.

10. Did any of the members of your board, or any of the managers of election, canvass for votes for or against the constitution, or in any otherwise take a prominent part in the election during its progress, outside of their bounden duty as registrars or managers; and if they did, who are they, and what did they do?—No.

11. Was the attention of the members of your board given to the manner in

which the reception of votes was being conducted, and was everything noticed and corrected which, in your opinion, was calculated to obstruct the voting?—No. See answer to number eight.

12. Was any obstruction offered at the polls calculated to prevent a free and full vote; and if there was, state its kind and character, and also what measures were taken to suppress it; and if no effort was made to protect the voter in his rights, who is to be held responsible for the same?—No.

13. Have you knowledge of any means being resorted to, away from the polls, intended to prevent a full and free expression of opinion by the ballot; and if so, state its kind and character, and the names of those whom you know to have been engaged in the same?—None.

14. Was the notice that the lists of registered voters would be opened for revision given to the people; and were the lists kept open for revision for five days; and if not, why not?—Yes.

15. The number of registered voters being known, what should be considered a fair average vote for your county at this season of the year?—1,400.

16. How does the number of white votes cast compare with the number of white registered voters, and what is the cause of the difference?—White votes cast, 167; whites registered, 1,021.

17. How does the present vote of your county compare with its average fair vote; and if below that average, what has been the cause of the falling off?—Average fair vote, 1,400; actual vote, 645. Whites not voting to defeat constitution.

18. What is the political status of the members of your board, as well as that of the managers of election; were they opposed to reconstructing under the acts of Congress, or otherwise minded; and if by chance there be any who are opposed to reconstruction, who are they, and how; and by whom were they appointed?—All loyal men, and in favor of reconstruction.

DALLAS COUNTY.

1. How many election precincts were opened in your county during the recent vote on the constitution submitted to the people for ratification?—Three.

2. How many boxes were opened at each precinct for reception of votes?—Three at one, one at two.

3. How were the number of precincts and number of boxes to be used at each determined upon?—By registrars; according to orders and convenience of voters.

4. In what manner and by whom were the judges or managers of that election selected?—By registrars; according to orders and convenience of voters.

5. Were they duly sworn and required to take the "test oath;" and if not, why not?—Yes.

6. Did your board, during its deliberations, make such arrangements as would insure to the people all necessary facilities for casting their votes?—Yes.

7. For how many days were the polls kept open in your county, and why were they not kept open for five days?—Five days.

8. During the progress of the voting did the members of your board visit the several polling places in each precinct; and if not, why not?—Yes.

9. Did they carefully note whether or not the managers or judges were faithfully and properly discharging the duties of their office; and if not, why not?—Yes.

10. Did any of the members of your board, or any of the managers of election, canvass for votes for or against the constitution, or in any otherwise take a prominent part in the election during its progress, outside of their bounden duty as registrars or managers; and if they did, who are they, and what did they do?—No.

11. Was the attention of the members of your board given to the manner in which the reception of votes was being conducted, and was everything noticed and corrected which, in your opinion, was calculated to obstruct the voting?—Yes.

12. Was any obstruction offered at the polls calculated to prevent a free and full vote; and if there was, state its kind and character, and also what measures were taken to suppress it; and if no effort was made to protect the voter in his rights, who is to be held responsible for the same?—No.

13. Have you knowledge of any means being resorted to, away from the polls, intended to prevent a full and free expression of opinion by the ballot; and if so, state its kind and character, and the names of those whom you know to have been engaged in the same?—None that I know of.

14. Was the notice that the list of registered voters would be opened for revision given to the people; and were the lists kept open for revision for five days; and if not, why not?—Yes.

15. The number of registered voters being known, what should be considered a fair average vote for your county at this season of the year?—About three-fourths of the registered vote.

16. How does the number of white votes cast compare with the number of white registered voters, and what is the cause of the difference?—But 78 whites voted. They were kept from voting by a few prominent leaders and want of independence.

17. How does the present vote of your county compare with its average fair vote; and if below that average, what has been the cause of the falling off?—The colored vote is over an average fair one.

18. What is the political status of the members of your board, as well as that of the managers of election; were they opposed to reconstructing under the acts of Congress, or otherwise minded; and if by chance there be any who are opposed to reconstruction, who are they, and how and by whom were they appointed?—Two registrars, entirely favorable to reconstruction. C. A. Colby favors reconstruction, but opposes constitution.

WILCOX COUNTY.

1. How many election precincts were opened in your county during the recent vote on the constitution submitted to the people for ratification?—Three.

2. How many boxes were opened at each precinct for reception of votes?—One.

3. How were the number of precincts and number of boxes to be used at each determined upon?—Registrars, in accordance with orders.

4. In what manner and by whom were the judges, or managers, of the election selected?—Registrars, in accordance with orders.

5. Were they duly sworn and required to take the "test oath;" and if not, why not?—Yes.

6. Did your board, during its deliberations, make such arrangements as would insure to the people all necessary facilities for casting their votes?—Yes.

7. For how many days were the polls kept open in your county, and why were they not kept open for five days?—Five days at one, four days at two; had no orders at two.

8. During the progress of the voting did the members of your board visit the several polling places in each precinct; and if not, why not?—No; on account of the distance.

9. Did they carefully note whether or not the managers, or judges, were faithfully and properly discharging the duties of their office; and if not, why not?—Yes; at Camden.

10. Did any of the members of your board, or any of the managers of elec-

tion, canvass for votes for or against the constitution, or in any otherwise take a prominent part in the election during its progress, outside of their bounden duty as registrars or managers; and if they did, who are they, and what did they do?—Mr. Morgan, a registrar, did one day.

11. Was the attention of the members of your board given to the manner in which the reception of votes was being conducted, and was everything noticed and corrected which, in your opinion, was calculated to obstruct the voting?—Yes.

12. Was any obstruction offered at the polls calculated to prevent a free and full vote; and if there was, state its kind and character, and also what measures were taken to suppress it; and if no effort was made to protect the voter in his rights, who is to be held responsible for the same?—No.

13. Have you knowledge of any means being resorted to, away from the polls, intended to prevent a full and free expression of opinion by the ballot; and if so, state its kind and character, and the names of those whom you know to have been engaged in the same?—A. Crum, James Andrews, P. D. Burford, T. B. McMillan, C. L. Scott, R. H. Dawson, Dennis Hawthorne, James Donley, H. R. Gordon, Joseph Cook, and others, used threats and intimidations towards those who voted, and some did turn off hands for voting.

14. Was the notice that the lists of registered voters would be opened for revision given to the people; and were the lists kept open for revision for five days; and if not, why not?—Yes.

15. The number of registered voters being known, what should be considered a fair average vote for your county at this season of the year?—About 3,600.

16. How does the number of white votes cast compare with the number of white registered voters, and what is the cause of the difference?—There were 800 whites registered; only 12 voted. They staid away to defeat the constitution.

17. How does the present vote of your county compare with its average fair vote; and if below that average, what has been the cause of the falling off?—The colored vote is *over* an average fair one.

18. What is the political status of the members of your board, as well as that of the managers of election; were they opposed to reconstructing under the acts of Congress, or otherwise minded; and if by chance there be any who are opposed to reconstruction, who are they, and how and by whom were they appointed?—Two in favor of and the others opposed to reconstruction. Their names are Toney, Boykin, Bryant, Kidwell, and John Barrett; appointed by W. T. Hatchett.

TUSCALOOSA COUNTY.

1. How many election precincts were opened in your county during the recent vote on the constitution submitted to the people for ratification?—Three.

2. How many boxes were opened at each precinct for reception of votes?—Two at one; one at two.

3. How were the number of precincts and number of boxes to be used at each determined upon?—To be conducted by loyal men.

4. In what manner and by whom were the judges, or managers, of the election selected?—By the board, for loyalty, &c.

5. Were they duly sworn and required to take the "test oath;" and if not, why not?—Yes.

6. Did your board, during its deliberations, make such arrangements as would insure to the people all necessary facilities for casting their votes.—Yes.

7. For how many days were the polls kept open in your county, and why were they not kept open for five days?—Four days; orders not received to extend.

8. During the progress of the voting did the members of your board visit the several polling places in each precinct; and if not, why not?—At two only.

9. Did they carefully note whether or not the managers, or judges, were faithfully and properly discharging the duties of their office; and if not, why not?—Yes.

10. Did any of the members of your board, or any of the managers of election, canvass for votes for or against the constitution, or in any otherwise take a prominent part in the election during its progress, outside of their bounden duty as registrars or managers; and if they did, who are they, and what did they do?—No.

11. Was the attention of the members of your board given to the manner in which the reception of votes was being conducted, and was everything noticed and corrected which, in your opinion, was calculated to obstruct the voting?—Yes.

12. Was any obstruction offered at the polls calculated to prevent a free and full vote; and if there was, state its kind and character, and also what measures were taken to suppress it; and if no effort was made to protect the voter in his rights, who is to be held responsible for the same?—No.

13. Have you knowledge of any means being resorted to, away from the polls, intended to prevent a full and free expression of opinion by the ballot; and if so, state its kind and character, and the names of those whom you know to have been engaged in the same?—Threats made by W. Morrison to discharge.

14. Was the notice that the lists of registered voters would be opened for revision given to the people; and were the lists kept open for revision for five days; and if not, why not?—They were kept open; don't know about notice.

15. The number of registered voters being known, what should be considered a fair average vote for your county at this season of the year?—2,500 or 2,600.

16. How does the number of white votes cast compare with the number of white registered voters, and what is the cause of the difference?—About one in five. Cause: opposition to constitution, bad weather, high water.

17. How does the present vote of your county compare with its average fair vote; and if below that average, what has been the cause of the falling off?—Opposition to constitution, bad weather, and high water.

18. What is the political status of the members of your board as well as that of the managers of election; were they opposed to reconstructing under the acts of Congress, or otherwise minded; and if by chance there be any who are opposed to reconstruction, who are they, and how and by whom were they appointed?—All in favor of reconstruction.

PICKENS COUNTY.

1. How many election precincts were opened in your county during the recent vote on the constitution submitted to the people for ratification?—One.

2. How many boxes were opened at each precinct for the reception of votes?—Two.

3. How were the number of precincts and number of boxes to be used in each determined upon?—By consulting best Union men.

4. In what manner and by whom were the judges, or managers, of the election selected?—By the registrars.

5. Were they duly sworn and required to take the "test oath;" and if not, why not?—No; had no orders as to "test oath."

6. Did your board, during its deliberations, make such arrangements as would insure to the people all necessary facilities for casting their votes?—Yes.

7. For how many days were the polls kept open in your county, and why were they not kept open for five days?—Four days; no other order received.

8. During the progress of the voting did the members of your board visit the several polling places in each precinct; and if not, why not?—Yes.

9. Did they carefully note whether or not the managers, or judges, were faithfully and properly discharging the duties of their office; and if not, why not?—Yes.

10. Did any of the members of your board, or any of the managers of election, canvass for votes for or against the constitution, or in any otherwise take a prominent part in the election during its progress, outside of their bounden duty as registrars and managers; and if they did, who are they, and what did they do?—All did.

11. Was the attention of the members of your board given to the manner in which the reception of votes was being conducted, and was everything noticed and corrected which, in your opinion, was calculated to obstruct the voting?—Yes.

12. Was any obstruction offered at the polls calculated to prevent a free and full vote; and if there was, state its kind and character, and also what measures were taken to suppress it; and if no effort was made to protect the voter in his rights, who is to be held responsible for the same?—No.

13. Have you knowledge of any means being resorted to, away from the polls, intended to prevent a full and free expression of opinion by the ballot; and if so, state its kind and character, and the names of those whom you know to have been engaged in the same?—Several clubs formed to prevent colored men voting, by threats to discharge them. The names too numerous to mention.

14. Was the notice that the lists of registered voters would be open for revision given to the people; and were the lists kept open for revision for five days; and if not, why not?—No; as the order was not received in time.

15. The number of registered voters being known, what should be considered a fair average vote for your county at this season of the year?—About 2,000.

16. How does the number of white votes cast compare with the number of white registered voters; and what is the cause of the difference?—60 or 70 whites voted out of about 1,100 registered; caused by bad weather, high water, influence of clubs, dislike to vote with colored men.

17. How does the present vote of your county compare with its average fair vote; and if below that average, what has been the cause of the falling off?—Influence of clubs and threats of employers.

18. What is the political status of the members of your board, as well as that of the managers of election; were they opposed to reconstructing under the acts of Congress, or otherwise minded; and if by chance there be any who are opposed to reconstruction, who are they, and how and by whom were they appointed?—All favor reconstruction.

JEFFERSON COUNTY.

1. How many election precincts were opened in your county during the recent vote on the constitution submitted to the people for ratification?—Ten.

2. How many boxes were opened at each precinct for reception of votes?—Three.

3. How were the number of precincts and number of boxes to be used at each determined upon?—One box for constitution, one for State, one for county.

4. In what manner and by whom were the judges, or managers, of the election selected?—By the registrars.

5. Were they duly sworn and required to take the "test oath;" and if not, why not?—No; had no orders.

6. Did your board, during its deliberations, make such arrangements as would insure to the people all necessary facilities for casting their votes?—Yes.

7. For how many days were the polls kept open in your county, and why were they not kept open for five days?—One box four days, nine boxes two days; had no orders to extend.

8. During the progress of the voting did the members of your board visit the several polling places in each precinct; and if not, why not?—No; had no orders to do so.

9. Did they carefully note whether or not the managers, or judges, were faithfully and properly discharging the duties of their office; and if not, why not?—So far as able to ascertain.

10. Did any of the members of your board, or any of the managers of election, canvass for votes for or against the constitution, or in any otherwise take a prominent part in the election during its progress, outside of their bounden duty as registrars or managers; and if they did, who are they and what did they do?—No.

11. Was the attention of the members of your board given to the manner in which the reception of votes was being conducted, and was everything noticed and corrected which, in your opinion, was calculated to obstruct the voting?—It was to some extent.

12. Was any obstruction offered at the polls calculated to prevent a free and full vote; and if there was, state its kind and character, and also what measures were taken to suppress it; and if no effort was made to protect the voter in his rights, who is to be held responsible for the same?—No.

13. Have you knowledge of any means being resorted to, away from the polls, intended to prevent a full and free expression of opinion by the ballot; and if so, state its kind and character and the names of those whom you know to have been engaged in the same?—None that we know of.

14. Was the notice that the lists of registered voters would be opened for revision given to the people; and were the lists kept open for revision for five days; and if not, why not?—Yes.

15. The number of registered voters being known, what should be considered a fair average vote for your county at this season of the year?—About 1,200.

16. How does the number of white votes cast compare with the number of white registered voters, and what is the cause of the difference?—About one-half. Cause: opposition to the constitution.

17. How does the present vote of your county compare with its average fair vote; and if below that average, what has been the cause of the falling off?—Less than half; caused by the non-action policy.

18. What is the political status of the members of your board, as well as that of the managers of election; were they opposed to reconstructing under the acts of Congress, or otherwise minded; and if by chance there be any who are opposed to reconstruction, who are they, and how and by whom were they appointed?—All favor reconstruction.

SUMTER.

1. How many election precincts were opened in your county during the recent vote on the constitution submitted to the people for ratification?—Three.

2. How many boxes were open at each precinct for reception of votes?—One.

3. How were the number of precincts and number of boxes to be used at each determined upon?—Registrars.

4 In what manner and by whom were the judges or managers of election selected?—Registrars.

5 Were they duly sworn and required to take the "test oath;" and if not, why?—All did not, because they could not.

6. Did your board, during its deliberations, make such arrangements as would insure to the people all necessary facilities for casting their votes?—Yes.

7. For how many days were the polls kept open in your county, and why were they not kept open for five days?—Four days; order to extend not received.

8. During the progress of the voting did the members of your board visit the several polling places in each precinct; and if not, why not?—Did not; cause unknown.

9. Did they carefully note whether or not the managers, or judges, were faithfully and properly discharging the duties of their office; and if not, why not?—Did not ascertain.

10. Did any of the members of your board, or any of the managers of election, canvass for votes for or against the constitution, or in any otherwise take a prominent part in the election during its progress, outside of their bounden duty as registrars or managers; and if they did, who are they, and what did they do?—No.

11. Was the attention of the members of your board given to the manner in which the reception of votes was being conducted, and was everything noticed and corrected which, in your opinion, was calculated to obstruct the voting?—Yes; at both Livingston and Intercourse, votes of all whose names were not on register list were refused, although they were ready to swear that they were registered. Many were thus deprived of their votes.

12. Was any obstruction offered at the polls calculated to prevent a free and full vote; and if there was, state its kind and character, and also what measures were taken to suppress it; and if no effort was made to protect the voter in his rights, who is to be held responsible for the same?—See answer to No. 11. The responsibility rests with D. H. Trott, chairman board of registrars, and the chief election manager at Intercourse.

13. Have you knowledge of any means being resorted to, away from the polls, intended to prevent a full and free expression of opinion by the ballot; and if so, state its kind and character, and the names of those whom you know to have been engaged in the same?—It seems to be generally understood that threats were made against all voting; whites to be ostracised, blacks driven out of house and home. Fear of consequences prevents Union men of both races from giving names of persecutors.

14. Was the notice that the lists of registered voters would be open for revision given to the people; and were the lists kept open for revision for five days; and if not, why not?—Yes.

15. The number of registered voters being known, what should be considered a fair average vote for your county at this season of the year?—Did not answer.

16. How does the number of white votes cast compare with the number of white registered voters, and what is the cause of the difference?—They do not. The cause of the difference is given, in part, in answer to No. 13, but chiefly, by not voting, they hoped to defeat reconstruction.

17. How does the present vote of your county compare with its average fair vote; and if below that average, what has been the cause of the falling off?—Below it; (see answers to 13 and 16;) and because many had died or left the State.

18. What is the political status of the members of your board, as well as that of the managers of election; were they opposed to reconstructing under the acts of Congress, or otherwise minded; and if by chance there be any who are opposed to reconstruction, who are they, and how and by whom were they appointed?—The old members of the board favored reconstruction. Those appointed by Mr. Hatchett are opposed. The election managers were appointed by the board.

GREENE.

1. How many election precincts were opened in your county during the recent vote on the constitution submitted to the people for ratification?—One.

2. How many boxes were opened at each precinct for reception of votes?—Three.

3. How were the number of precincts and number of boxes to be used at each determined upon?—I. A. Yordy, chairman board of registration.

4. In what manner and by whom were the judges or managers of the election selected?—I. A. Yordy, chairman board of registration.

5. Were they duly sworn and required to take the "test oath;" and if not, why not?—Yes.

6. Did your board, during its deliberations, make such arrangements as would insure to the people all necessary facilities for casting their votes?—Yes.

7. For how many days were the polls kept open in your county, and why were they not kept open for five days?—Don't know.

8. During the progress of the voting did the members of your board visit the several polling places in each precinct; and if not, why not?—Yes.

9. Did they carefully note whether or not the managers, or judges, were faithfully and properly discharging the duties of their office; and if not, why not?—Yes.

10. Did any of the members of your board, or any of the managers of election, canvass for votes for or against the constitution, or in any otherwise take a prominent part in the election during its progress, outside of their bounden duty as registrars or managers; and if they did, who are they, and what did they do?—No.

11. Was the attention of the members of your board given to the manner in which the reception of votes was being conducted, and was everything noticed and corrected which, in your opinion, was calculated to obstruct the voting?—Yes.

12. Was any obstruction offered at the polls calculated to prevent a free and full vote; and if there was, state its kind and character, and also what measures were taken to suppress it; and if no effort was made to protect the voter in his rights, who is to be held responsible for the same?—Yes; a large number of men, drunk and disorderly, flourished pistols and threatened lives. One man was knocked down and beaten. Another was assaulted at the polls, and the ticket torn from his hand, and had to flee for safety. Two negroes were stabbed by United States soldiers sent as a guard to this county. Mr. Yordy closed the polls for two hours. Men were thus driven from the polls by fear of personal violence. 446 ballots were cast from which "constitution" was torn off.

13. Have you knowledge of any means being resorted to, away from the polls, intended to prevent a full and free expression of opinion by the ballot; and if so, state its kind and character, and the names of those whom you know to have been engaged in the same?—"Union men," black or white, say threats of all kinds were made against voters, but they were afraid to tell the names of the parties who made them, and their names can only be had by our being clothed with authority to demand them.

14. Was the notice that the lists of registered voters would be opened for revision given to the people; and were the lists kept open for revision for five days; and if not, why not?—Yes.

15. The number of registered voters being known, what should be considered a fair average vote for your county at this season of the year?—400 to 600 less votes than a fair average, at this season, were cast.

16. How does the number of white votes cast compare with the number of white registered voters, and what is the cause of the difference?—Does not at all compare, (see answers to Nos. 12 and 13,) and besides these reasons, they hoped by not voting to defeat reconstruction.

17. How does the present vote of your county compare with its average fair vote; and if below that average, what has been the cause of the falling off?—Below; (see answers to Nos. 12, 13, and 16.)

18. What is the political status of the members of your board, as well as that of the managers of election; were they opposed to reconstructing under the acts of Congress, or otherwise minded; and if by chance there be any who are opposed to reconstruction, who are they, and how and by whom were they appointed?—The registrar was in favor of reconstruction as far as heard from; the managers did, too.

MARENGO COUNTY.

1. How many election precincts were opened in your county during the recent vote on the constitution submitted to the people for ratification?—Three.

2. How many boxes were opened at each precinct for reception of votes.—One.

3. How were the number of precincts and number of boxes to be used at each determined upon?—Registrars.

4. In what manner and by whom were the judges or managers of the election selected?—Registrars.

5. Were they duly sworn and required to take the "test oath;" and if not, why not?—Five did; four not able.

6. Did your board, during its deliberations, make such arrangements as would insure to the people all necessary facilities for casting their votes?—Yes.

7. For how many days were the polls kept open in your county, and why were they not kept open for five days?—Five days at two; four days at one.

8. During the progress of the voting did the members of your board visit the several polling places in each precinct; and if not, why not?—Yes.

9. Did they carefully note whether or not the managers, or judges, were faithfully and properly discharging the duties of their office; and if not, why not?—Yes.

10. Did any of the members of your board, or any of the managers of election, canvass for votes for or against the constitution, or in any otherwise take a prominent part in the election during its progress, outside of their bounden duty as registrars or managers; and if they did, who are they, and what did they do?—No.

11. Was the attention of the members of your board given to the manner in which the reception of votes was being conducted, and was everything noticed and corrected which, in your opinion, was calculated to obstruct the voting?—Yes.

12. Was any obstruction offered at the polls calculated to prevent a free and full vote; and if there was, state its kind and character, and also what measures were taken to suppress it; and if no effort was made to protect the voter in his rights, who is to be held responsible for the same?—None at two boxes, but at McKinly votes were refused because the names could not be found on the register list, though they were willing to swear they were registered. No measures were taken to prevent this obstacle. Dr. King and a Mr. Harris made inflammatory speeches within twenty yards of the polls while voting was going on, threatening to discharge hands if they voted, and denouncing Congress. Mr. Shoup, registrar, is responsible.

13. Have you knowledge of any means being resorted to, away from the polls, intended to prevent a full and free expression of opinion by the ballot; and if so, state its kind and character, and the names of those whom you know to have been engaged in the same?—Threats similar to those in Sumter and Greene were made by M. C. Burke, Brassfield, Jackson, and a Mr. Noble. John Gregory did discharge 16 hands for voting.

14. Was the notice that the lists of registered voters would be opened for revision; given to the people, and were the lists kept open for revision for five days; and if not, why not?—Yes.

15. The number of registered voters being known, what should be considered a fair average vote for your county at this season of the year?—About 4,000.

16. How does the number of white votes cast compare with the number of white registered voters, and what is the cause of the difference?—977 whites registered, but only 16 voted; many did not vote for fear of social ostracism, but chiefly to defeat reconstruction. Bad weather and roads; deaths and removals.

17. How does the present vote of your county compare with its average fair vote; and if below that average, what has been the cause of the falling off?—Below fair; average vote 500 or 600; for reason see 12, 13, and 16; also because those dead and removed were not stricken from register.

18. What is the political status of the members of your board, as well as that of the managers of election; were they opposed to reconstruction under the acts of Congress, or otherwise minded; and if by chance there be any who are opposed to reconstruction, who are they, and how and by whom were they appointed?—The registrars, except Mr Shoup, of whom there appears some doubt, are in favor of reconstruction. Abrams and Harris, judges at McKinly, and Adams and Moody, at Lindon, are thought to be opposed to the reconstruction measures.

No reports have been received from the counties of Choctaw, Calhoun, Cleburne, and Hale.

Official:

R. C. DRUM,
Assistant Adjutant General.

A.

THE STATE OF ALABAMA, *City and county of Mobile:*

I, Joseph Collins, a citizen of Mobile, Alabama, and one of the judges in the late election held in said city on the ratification of the constitution, on oath do state as follows:

I acted as judge but was not sworn in; I was advised by Mr. W. G Johnson that as I had been sworn at the previous election on the call of a convention about September last that the oath in the present or past election would not be necessary, and I was not sworn.

The three judges appointed to act were D. W. Goodwin, Albert G. Sterne, and myself, for the 6th and 8th ward. Mr. Johnson gave us instructions not to receive the votes of any persons except those on the printed lists, and Mr. Hurker brought us printed instructions in regard to taking the vote of those who made affidavits; this was the first day of the election.

I refused to take votes when the names of parties from the country were not shown on my lists, as our poll was a city poll, and the court-house poll was specially set apart for the county vote; their votes ought to have gone to the court-house if entitled to vote at all.

On the 5th of February, or the second day of the election, I received from W. G. Johnson an order, of which the following is a copy:

AT OFFICE, MOBILE, ALABAMA, *February* 5, 1868.

The judges of election at the Mississippi Hotel will receive all ballots indorsed by the voter and my signature. The certificates of voters are in my possession.

Respectfully,

W. G. JOHNSON,
Register District No. 1.

Which required us to take all votes with his indorsement, which we did.

After this Mr. Hurker told us that we had a right to swear voters at the poll, and we swore the following number among the votes cast: D. W. Goodwin

swore one; Sterne swore twenty—which were all the voters sworn at the polls. After this we received two voters with the ticket indorsed "W. G. Johnson," but the affidavit signed "E. P. Chappel;" two votes with "Johnson" indorsed on the ticket, and "J. M. Bragg" on the affidavit; and seven votes indorsed by W. G. Johnson, and his name indorsed on the affidavit. These are the only cases where the affidavits of the voters were produced at the poll. After this, from the third day of the election, Johnson simply indorsed the ballots, and we polled the votes without receiving the affidavits.

I do not know if either of the judges were sworn. In addition to the three judges mentioned, Joseph Fernandez came the second day of the election and acted with us; do not know by what authority. I did not keep any tally of the vote, and do not know that any was kept; if it was I never saw it.

According to the count of myself and the judges there were 93 voters by certificates, which was the only tally or count I made of the vote.

One Captain Magill, of the police, came to the polls on the last day of the election and said he was there to supervise the judges, and he acted as a clerk.

The ballot-box was left by the judges on Friday of the election, containing the ballots, at Mr. Fernandez's house; Saturday morning it was brought to the poll by Captain Magill, who stated "that he found it on the top of a bale of hay in Mr. Fernandez's feed store."

JOSEPH COLLINS.

Sworn to and subscribed before me this 26th of March, 1868.

JOHN R. TOMPKINS,
Notary Public, Mobile County.

Official:

R. C. DRUM,
Assistant Adjutant General.

B.

THE STATE OF ALABAMA, *City and County of Mobile:*

I, John McGuire, one of the judges in the late election held on the ratification of the constitution in the city of Mobile, hereby make oath:

That I acted as a judge at the poll held at the court-house in said city up to the evening of the 6th, and from the 4th February inclusive I acted in said capacity of judge without oath, none having been required nor tendered me. On the evening of the 6th, as aforesaid, James Bragg, one of the judges, directed me to the office of W. G. Johnson, to be sworn, (in order to get my money.)

I went to Johnson; he simply read over to me the "test oath," and asked me if I could take it. I replied that I thought I could, when he gave me a certificate, of which the following is a copy:

MOBILE, *February* 6, 1868.

This is to certify that John McGuire has taken the test oath before me, in accordance with the provisions of the act of Congress of the United States.

W. G. JOHNSON, *J. P. M. C.*

I left him with the certificate, and do not consider, and never did consider, that I took any oath whatever.

I do not know whether any of the other managers of the election were sworn or no.

James Bragg carried the ballot-box off with him every night; he also carried the key and controlled the box.

I heard a citizen ask James G. Stuardé, one of the judges acting with me "who swore him in?" and he declined to answer. Do not know if any of the other judges were sworn in or not.

JOHN McGUIRE.

Sworn to and subscribed before me March 25, 1868.

N. P., *M. C., Alabama.*

Official:

R. C. DRUM,
Assistant Adjutant General.

C.

Answers of Wm. J. Sartle, second lieutenant 15*th infantry, inspector of elections for Barbour county, to queries No.* 11 *and* 12 *in circular of* 10*th February,* 1868.

11. The attention of the board seems to have been given to the manner in which the reception of votes was conducted, and everything corrected which was calculated to obstruct voting, except in such cases as are set forth in my answers to No. 12. Whether or not the board of registrars were in fault, I shall leave to the decision of the commanding general, simply giving a view of the premises.

12. No obstructions were offered at the polls either at Eufaula or Clayton, further than very energetic and somewhat noisy electioneering on the part of the so-called conservatives for the defeat of the constitution, except threats to publish the name of any white man who voted at all in the newspapers, which threats were only executed in the case of the only two white men who voted in Eufaula, whose names were published in the paper at that place, in what was termed by the editor the "roll of infamy." The right of challenge of votes by the so-called conservatives was exercised to the fullest extent, and though the people of Union sentiments might feel fully convinced, in their own minds, that the challenges were made for the purpose of retarding instead of purifying the election, and though that was the real result of such challenges, still they were made according to the letter, if not the spirit, of the law; so nothing could be proven against them.

At Springhill, a freedman, whose name and whereabouts I was wholly unable to ascertain, came to the polls on Wednesday and voted. On Thursday he returned in company with his employer, one Dixon Bishop, who said that he (the freedman) had been deceived in regard to his ticket he had voted the day before, and that he wanted now to change it. In these statements the freedman acquiesced, and after considerable discussion, in the course of which Bishop made use of the expression that "he had come there for the purpose of having that vote changed, and he'd just be damned if he didn't have it done," the managers consented to the change, and it was made.

The managers being the only men of Union proclivities in the vicinity, and being entirely without protection, the man Bishop being a dangerous character when under the influence of liquor, as he was at the time, and he having the fullest sympathy of all the white bystanders, in this latter as in all other respects, allowed the irregularity to take place to avoid a disturbance, which seemed imminent should their consent to it be withheld. On Saturday the same freedman returned again to the polls and informed the managers that he had been forced by the man Bishop by threats of discharge and to kill him if he refused to change his vote, and hat he then wished to change it again, and

make it what it was in the first place. Mr. Black, the chairman of the board of registrars, was present the last time, and the managers reported the facts of the case to him, and though he informed them that such changes were illegal, still under the circumstances he consented that the change be made again, and it was done, thus leaving the vote what it would have been had no change taken place.

The board of managers were considerably annoyed and the voting retarded by the noisy ridicule of a party of men, the chief of whom seemed to be this same man Bishop, who were continually calling out in the room when the voting was taking place, to the freedmen, who were trying to vote, to come over to them and get the mule and 40 acres of land that the Yankees were to give them for voting the radical ticket.

The managers requested them to desist several times, but it did no good. There was a man present named James Hatcher, who was said to be the special deputy of the sheriff of the county, sent there to preserve order and prevent interference with the election; but so far from doing anything of the kind, he did all he could to encourage Bishop and his party in their performances, both by precept and example.

WILLIAM J. SARTLE,
Second Lieutenant, &c.

Official:

R. C. DRUM,
Assistant Adjutant General.

D.

Answer of A. C. Taylor, second lieutenant 15th United States infantry, sub-assistant commissioner, inspector of elections for Butler and Crenshaw counties, to query 12, *in circular of February* 10, 1868.

12. The sheriff summoned upon his posse twelve men, all of whom were noted for their active and bitter opposition to the reconstruction measures, and many of them for their violence and recklessness in dealing with freedmen.

These men crowded around the polling-window, and occupied all the space behind the ropes, so that every voter had to run the gauntlet of their jeers and threats. The language and demeanor of the posse were calculated to intimidate and dishearten all who wished to vote. For some time, until stopped by order, they made every colored man take off his hat and bow, before they could pass. They frequently stopped voters, and tried to persuade them not to vote. Two of them stood, one on each side of the window, to challenge and take the names of those voting. These were Dr. Parmer and N. V. Clopton.

Outside the ropes were crowds of the bitterest opponents of the election, exchanging jests and information regarding those who came to vote. Employers and employers' clerks were there, watching to see whether their hands voted. Some of the posse would frequently go out into the town and give information to employers with regard to their employés, which would result in their immediate discharge, thus serving as an intimidation to all others. One colored man was insulted near the polls by Lewis Bear, (merchant, of this place,) because he was going to vote. Bear followed him a short distance, and caned him. This was in Butler county. In Crenshaw county it was still worse. Tickets were taken from the colored voters and destroyed, and one man was even run out of the county for no other reason than that he was distributing constitution tickets.

A. C. TAYLOR,
Second Lieutenant 15th Infantry.

Official:

R. C. DRUM,
Assistant Adjutant General.

E.

Answer of A. C. Taylor, second lieutenant 15th United States infantry, sub-assistant commissioner, inspector of elections for Butler and Crenshaw counties, to query 13, *in circular of February* 10, 1868.

13. It was notorious through the five days of election, and before, that threats were made to all employés that if they voted they would be immediately discharged. J. R. Abrams, a merchant of this place, discharged a colored man before the election, because he refused to promise to not vote. The "Conservative Club" of Greenville passed resolutions to that effect on the Saturday preceding election. Many were discharged as soon as employers found they had voted. Colored men came in numbers each day to get an opportunity to vote as soon as the polls were opened, before the rebel spies had gathered. Many more applied at this office to know if they could vote secretly, to avoid being discharged, and to keep their families from being turned out of doors. Names and details can be furnished to sustain these facts.

Previous to the election many white men had expressed their determination to vote for the constitution, giving fair grounds to presume that 150 votes would be cast by them in this county. Many came to town expressly to vote, but when they saw the polls in possession of and surrounded by the most turbulent and lawless rebels in the county, their hearts failed them, and they returned without voting. I have personal knowledge of several who said to me that they wished to vote, but that the possible consequences to themselves and families was more than they could undertake to risk. In my opinion 300 more votes would have been cast in this county if there had been a fair and untrammelled election. Lewis Bear, of whom I have spoken, required a colored employé to make oath before A. R. McKellan, justice of the peace, that he had not voted, so as to avoid a dismissal.

The following named men of this county, with many others, dismissed their colored employés for voting:

S. J. Bolling, probate judge of this county.
William Hartley.
Lewis Bear.
Jerry Gafford, (and threatened to burn them out.)
Seth May.
Dr. Hamilton, (or Haumer.)
Sam Tisdale and John Dean.

W. F. Mahone and Mr. Barber, of Crenshaw county, discharged men for the same reason, and prevented men from voting by similar threats.

As soon as the registrar reached the county seat of Crenshaw to open the election, he was grossly insulted by a Mr. James Staggers, and would probably have done him violence but for the interference of the sheriff of the county.

The only reason that can be given to account for the paucity of votes there on the constitution question is, that they were prevented by abuse, threats, and intimidations. After the election, the registrar was told that there was danger in his leaving the place to come here.

He secured some colored guides to bring him by an unfrequented road, after leaving an abstract of the returns with the judge of probate, to be used in case he was molested.

To-day I was informed that most of the time since his guides have had to live in the woods, for fear of being killed.

A. C. TAYLOR,
Second Lieutenant 15th Infantry.

Official:

R. C. DRUM,
Assistant Adjutant General.

40TH CONGRESS, 2d Session. } HOUSE OF REPRESENTATIVES. { Ex. Doc. No. 304.

CONFEDERATE PROPERTY IN EUROPE.

LETTER

FROM

THE SECRETARY OF THE TREASURY,

IN ANSWER TO

A resolution of the House of 26th November last, relative to certain efforts of that department for the recovery of confederate property in Europe.

APRIL 21, 1868.—Referred to the Committee on Foreign Affairs, and ordered to be printed
Motion to reconsider order to print pending.
JUNE 5, 1868.—Stands referred and so much as in manuscript ordered to be printed.

TREASURY DEPARTMENT,
April 17, 1868.

SIR: I have the honor, in reply to a resolution of the House of Representatives of November 26, 1867, calling for certain information from this department concerning efforts for the recovery of confederate property in Europe, and of contracts with agents or attorneys in relation thereto and also information concerning a settlement made with the firm of Fraser, Trenholm & Co., to report as follows:

This inquiry involves analyses of numerous and complex legal documents, proceedings and correspondence regarding the same, the preparation of which has been unavoidably delayed in consequence of other engagements of the special counsel employed by the government to superintend those proceedings as well in Europe as in the United States.

The exertions of the government to recover confederate property abroad have not been confined to Europe, but have been extended to other parts of the world, and especially to the West Indies, in which those exertions have been diligently and successfully prosecuted.

But, as the resolution of the House applies only to such efforts made in Europe those only will constitute the subject of this communication.

Proceedings to this end commenced soon after the cessation of hostilities in the southern States.

The consul for the United States at Liverpool (Mr. Dudley) received information from the consul of the United States at Havana (Mr. Minor) of the shipment at Havana on board the British ship Aline of a cargo of cotton, supposed to belong to the confederate government and consigned to the commercial house of Messrs. Fraser, Trenholm & Co., at Liverpool, which house consisted professedly of four persons, namely: Theodore D. Wagner, James T.

Wellsman, and William L. Trenholm, all citizens of the United States residing at Charleston, South Carolina, together with Charles K. Prioleau, formerly a citizen of the United States, but now a naturalized subject of Great Britain. Thereupon Mr. Dudley, on the arrival of the cotton at Liverpool, filed a bill in chancery in the name of the United States against the cotton on board, consisting of 1,360 bales or thereabouts, and charged as of the value of £50,000, demanding the same from the consignees as the property of the United States. A copy of the bill is annexed to this report and marked A.

The cause came on for preliminary hearing before Vice-Chancellor Wood, on a motion in behalf of the United States to enjoin the cotton or its proceeds in the hands of Messrs. Fraser, Trenholm & Co.; and on the 25th of July, 1865, after hearing affidavits on both sides, the court was of opinion that the United States were entitled to the relief prayed for, as the successors of the confederate government by conquest, but that Messrs. Fraser & Co. held valid liens against the cotton or its proceeds on account of contracts made by them as authorized agents of the confederate government, and therefore decreed to enjoin only a part of the proceeds and left that in the hands of Mr. Charles K. Prioleau, a member of the firm, he giving bonds to hold and account for the same as receiver of the court.

These proceedings had been instituted by Mr. Dudley of his own motion, under the sense of his public duty, and without opportunity of previous communication with the Department of State.

On receiving information of what had been done, the Secretary of State, with authority of the President, approved and adopted the act in behalf of the United States.

But the grounds on which the court had decided the preliminary question of injunction, and the decision itself were deemed to be unsatisfactory and injurious to the United States; it being conceived that any and all public property found in possession of the pretended confederate government was held by it tortiously as against the government of the United States; that such property did not come to the United States by right of conquest merely, the same being actual property of the United States, whose tax power had been usurped by rebels in arms; that the proceeds of all taxes levied by the confederates as a pretended government were and always had been the property of the legitimate sovereign; that by the defeat of the military force of the confederates the government of the United States did but recover possession of what was its own; and that the claims of lien set up by Messrs. Fraser, Trenholm & Co., could not lawfully attach to any property of the confederates coming into their possession after the final defeat of the confederates and the dissolution of the so-called confederate government, on the happening of which dissolution any such pretended agency of Messrs. Fraser, Trenholm & Co., must necessarily expire by operation of law. These considerations were communicated by the Secretary of State to the proper diplomatic and consular representatives of the government abroad, with instructions to proceed, in conformity therewith, to take steps for the recovery of any pretended public property of the confederates which might come to their knowledge.

Counsels were also employed in the United States to collect evidence in all parts of the country, and to advise and direct generally in the prosecution of suits, preparation of pleadings, and instruction of the officers of the government in Europe.

The result of all these arrangements has been the actual recovery of property of the confederates to a large amount, with much more which it is confidently believed will in due time be recovered.

Meanwhile, in the suit of the United States against Fraser, Trenholm & Co., the defendants had, on the 28th of November, 1865, put in their answer, a copy of which is hereto annexed and marked B; soon after which the matter became

complicated by reason of bills of discovery being filed, on the one hand, by the United States against Fraser, Trenholm & Co., and on the other by Fraser, Trenholm & Co. against the United States.

On the bill filed against the United States by Fraser, Trenholm & Co., the latter insisted that a sworn answer should be put in by, and in the name of the President of the United States, or of some other principal officer of the government. This pretension the United States resisted; and on hearing in the court of chancery, Vice-Chancellor Wood decided that Fraser, Trenholm & Co. had no right to demand such sworn discovery from the President of the United States; but intimated an opinion that the answer should be sworn to by some other principal officer of the government.

This pretension also, the United States steadily resisted, showing that such a sworn answer to a bill of discovery could not be demanded in England from any high officer of the British government, and that no law of the United States authorized any officer thereof to make such sworn discovery in the name of the government. Accordingly the United States filed an answer to this bill under its great seal, certified by the Secretary of State, which answer and the bill itself are hereto annexed and marked C and D.

Thereupon, Messrs. Fraser, Trenholm & Co. demurred to the bill of discovery filed by the United States, on the ground that the President of the United States was not joined in the suit, and on hearing of the demurrer before Vice-Chancellor Wood, he sustained it and dismissed the bill. But on appeal to the court of appeals in chancery, consisting of the lord chancellor and lords justices, the decision of the vice-chancellor was overruled, and the bill of the United States maintained.

The United States, on the 17th of January, 1867, had filed an amended bill, to which the respondents replied by answer, filed August 28, 1867, of which copies are annexed, marked E and F.

Anterior to this date, Mr. Morse, consul of the United States at London, had, without authority, entered into an agreement with Fraser, Trenholm & Co. for the settlement of the controversy with them; to which act there will be specific reference in the sequel of this report. Founding on that agreement, as constituting an admission by the United States of a large balance of account being due to Fraser, Trenholm & Co., greatly exceeding any assets in their hands, they applied to the court to dismiss the original bill for the recovery of the cargo of the Aline, and might have prevailed in that motion, but for the timely arrival of a communication to the minister of the United States in England, by telegraph, from the Department of State, disavowing the act of Mr. Morse. And, although a dismssal of the suit was thus prevented, yet the vice-chancellor was induced, by the tenor of the admissions in the agreement of Mr. Morse, to discharge the sureties of the receiver, leaving the fund on the sole responsibility of Mr. Prioleau.

In view of the persistent and partially successful endeavors of Messrs. Fraser, Trenholm & Co., in England, to evade any accounting, to embarrass the main suit by vexatious delays, to escape proper responsibility, and otherwise to defeat the just claims of the United States, it was deemed expedient to institute proceedings against Messrs. John Fraser & Co., of Charleston, South Carolina, which consisted, in part or in whole, of the same persons, if not absolutely the same in interest, as the house of Fraser, Trenholm & Co., in Liverpool, but charged in the bill as also comprehending George A. Trenholm, formerly titular secretary of the treasury of the pretended Confederate States. Accordingly, a bill was filed in the circuit court of the United States in the district of South Carolina, against the members of the firm of John Fraser & Co., in the name of the United States, demanding of them an account of all their acts as agents of the confederate government, and that they be enjoined from conveying away, encumbering or disposing of any estates acquired since they became agents of

the so-called Confederate States, and that such property be decreed to the United States. This bill was filed in May, 1867, and the desired injunction granted by the circuit court. To which bill an answer was afterwards filed by the defendants, as appears by the bill and answer hereto annexed, marked G.

Meanwhile, the house of Fraser, Trenholm & Co., in Liverpool, had become bankrupt, and the managing partner in England, Charles K. Prioleau, who had conducted the defence against the United States, now made a desperate attempt to obtain the dismissal of the bill of the United States there, on the plea of the pendency of the general bill of discovery in the United States. The effect of this, if done, would be to relieve Mr. Prioleau at the expense of his partners in the United States, to deprive the government of its hold of the property there, and to throw the whole weight of the claims of the government upon the property of the house of John Fraser, Trenholm & Co., of Charleston.

Hence it became of interest to the copartners in the United States not only to put a stop to controversy and costs, but so far as possible to satisfy the claims of the government out of the property in England; to effect which, negotiations were entered into between them and the counsel on the one hand, and the counsel of the United States on the other hand, under the supervision of the Secretary of State and the Secretary of the Treasury, the result of which was the conclusion of an agreement, on the 5th day of September, 1867, which was approved by the President of the United States, and a copy of which is hereto annexed, marked H.

This agreement, conceived in the idea of the United States receiving, and Fraser, Trenholm & Co. paying, precisely that which the United States may lawfully claim in a court of chancery, neither more nor less, is in substance as follows:

1. That in the suit pending in England for the recovery of the cargo of the ship Aline, judgment shall be entered for the United States with costs.

2. That all other specific property of every kind, whether ships or other property, and all moneys belonging to the Confederate States at the time of their dissolution, which at any time after that date came into the possession of Messrs. Fraser, Trenholm & Co., or the proceeds thereof, if sold, shall be delivered up to the United States.

3. That Fraser, Trenholm & Co. shall consent to a decree in the pending suit for an account to be rendered by them, in due form of law on oath, before a master in chancery, as demanded by the United States, and whatever amount of money such accounting shall show to have been due by the defendants to the Confederate States at the time of their dissolution shall be paid to the United States.

4. Fraser, Trenholm & Co. are to deliver up, or account for, all ships or other specific property of the Confederate States, unless the same be subject to express legal or equitable antecedent claims of theirs, valid in law, on contracts made during their agency for the confederates.

5. That the property of the copartners shall be held by the government under the injunction of the circuit court in South Corolina, and under the statutory lien as security for the foregoing conditions; and if those conditions be no complied with in a reasonable time, then the government shall take judgment against the parties or their property in the United States.

This agreement was concluded in the city of Washington, and ere is no correspondence on the subject in this department.

A copy of the agreement hereinbefore spoken of as having been entered into by Mr. Morse is annexed, marked I. The correspondence relating thereto was communicated to the House of Representatives by message of the President, under date of January 28, 1867.

The difference between the two agreements is exhibited in the following comparative statement:

Agreement made by the consul at London.	*Agreement made by the consul of the United States in Washington.*
1. A claim of Messrs. Fraser, Trenholm & Co. against certain property of the late confederate States under their control is agreed at £150,000, (about $1,000,000.)	1. No admission is made of any amount of claim whatever of Messrs. Fraser, Trenholm & Co. against property of the Confederate States under their control.
2. All suits now pending in Great Britain or the United States between Fraser, Trenholm & Co., or any of them and the United States, to be abandoned, each party to pay their own costs.	2. The government is to have judgment in England for the cargo of the Aline, say £40,000 with costs. The government is to have judgment in England on the bill for an account with costs. The government is to retain its lien in the United States on all the property of the copartners here, as security for judgments recovered in England.
3. Fraser, Trenholm & Co. are to *declare* (not on oath) what property they have under their control, and where it is.	3. Fraser, Trenholm & Co. to make discovery on oath as to all the property under their control, subject in this discovery to the compulsory powers of the court of chancery.
4. Stipulates that the following ships, namely, the Ruby, the Rosine, the Penguin, the Owl, and the Lark, are to be accounted for.	4. Stipulates that the same ships, namely, the Ruby, the Rosine, the Penguin, the Owl and the Lark, and in addition to these, the Ariel, the Wasp, the Badger, and the Jose, shall be accounted for.
5. Property claimed by the United States to be held and sold by Fraser, Trenholm & Co.	5. Property to be turned over to the United States in bulk.
6. Fraser, Trenholm & Co. to account to the government for any balance of such property, the proceeds of which exceed £150,000.	6. Fraser, Trenholm & Co. to account for such property without concession of any specific indebtedness to them.
7. Fraser, Trenholm & Co. are to furnish an account to Mr. Morse, with an accountant acceptable to Fraser, Trenholm & Co. to inspect their books.	7. Fraser, Trenholm & Co. are to account under oath in chancery, through the instrumentality of the master in chancery, with inspection of the books by the solicitors of the government, and supervision by the court, as practiced in proceedings in equity.
8. Stipulates that information derived from the books of Fraser, Trenholm & Co., shall not be used by any one in any action or proceeding except for the recovery of property.	8. Subjects the books in this respect, as in all others, to any such inspection, generally, as a court of equity may permit.
9. Fraser, Trenholm & Co. are to show how the "balance" in their favor is made out, (without any definition of principle to govern such accounting.)	9. Leaves nothing to the interest or caprice of Fraser, Trenholm, & Co. in this respect, but prescribes a peremptory rule of accounting, in conformity with the recognized principles of law.

10. Stipulates for the dismissal of all suits in England, that is, for the surrender to Prioleau of the Aline's cotton, and all other property in England, without security, (all which, of course, would have been lost by the bankruptcy of Fraser, Trenholm & Co., which soon afterwards followed, and was probably foreseen by Prioleau, and the anticipation of which actuated him at the time.)	10. Maintains the suits in England, secures the judgments thereon, and compels the delivery of other property to the government, as its recognized property, and, of course, not subject to the debts of Fraser, Trenholm & Co.
11. Stipulates for the discontinuance in the United States against John Fraser & Co., (and of course, involves the loss of all hold on the property here.)	11. Stipulates to maintain the suits here, and to hold the property as security for judgments in England.
12. Gives up all security in England or the United States, including the Aline's cotton, leaving to the United States no means of redress other than a suit for damages on the agreement against the bankrupt firm of Fraser, Trenholm & Co.	12. Retains the hold of the United States on the property in England, including the Aline's cotton, with security for ultimate recovery by means of the injunction suit in the United States.

Such is the difference between these two agreements. And, in the judgment of this department, therefore, while the agreement made by Mr. Morse in London, was unwise as well as unauthorized, and would have been wholly unproductive of any beneficial result to the government, that entered into at Washington secures to the United States reasonable expectation of obtaining from Messrs. Fraser, Trenholm & Co. all the money or other property to which the United States are lawfully and justly entitled.

During the period in which the government was prosecuting in England the suits against Fraser, Trenholm & Co., it was prosecuting various other suits, some of which have terminated successfully, and others of which are still pending in the different courts of Great Britain.

The government has recovered by suit in admiralty four of the cruisers of the confederate government, namely: the Sumter, the Tallahassee, the Shenandoah, and the Rappahannock, together with some other miscellaneous parcels of property, amounting in proceeds to $160,476.

In these cases the government has steadily contended that it has the right in law to take possession of any public property of the confederates, wherever it may be found, whether at home or in foreign countries; claiming power to do this summarily and as of right, and, of course, in the United States or on the high seas, and demanding of the foreign courts of law in foreign countries that they shall co-operate in enabling the United States to reclaim such property by suit, if brought into the ports of any such foreign government.

To this pretension of the United States there was opposition at the outset, fraudulent sales and pretended liens being set up by agents of the confederates, especially in England, and in the courts of admiralty as well as of chancery. But all such obstacles were at length overcome, and the sovereign rights of the United States in these respects definitely recognized and established.

Suits are pending in England against sundry parties, among which are the Blakeney Ordnance Company, to recover ordnance contracted for by the confederates, as also against two of the financial agents of the confederates, namely: James B. Ferguson and Colin McRae. In these two latter suits an important legal question arose, which has served to delay their prosecution. To the bills of discovery and account against them respectively defendants demurred, alleging

that they had been or might be prosecuted in the United States under acts of confiscation and forfeiture, and that, therefore, they ought not to be compelled to make discovery in England, which might be used against them here. This question was argued in the case of the United States *vs.* McRae, before Vice-Chancellor Wood, who sustained the demurrer and dismissed the bill. But, on appeal, whilst the court of appeals concurred with the vice-chancellor in opinion as to the sufficiency of the demurrer, still it held that the United States were entitled to an account, and, therefore, reversed so much of the decree of the vice-chancellor as dismissed the bill. It was on account of this decision that the idea was conceived in Congress at this session of the enactment of a law touching discoveries in equity, which was passed some weeks since, and the enactment of which will serve greatly to facilitate the prosecution of these suits in England.

The archives of the so-called confederate government, now in the possession of the United States, show that many millions were received and disbursed by McRae on confederate loans in Europe, and the object of the suit is to reach any balance which may have remained in his hands at the time of the extinction of the confederation.

One suit only has been instituted in France, but that is of considerable importance. It is a suit against the wealthy shipbuilding firm of Arman Fils & Co., to recover a large sum of money placed in their hands to be employed in the construction of a ship or ships of war for the use of the confederate government. That cause has not yet come to issue. Inquiries continue to be made under the authority of the department in pursuit of all persons in England holding money or other property of the confederates; and wherever information has been obtained sufficiently specific to justify the expense of suit, suit has been instituted; and in some instances such property has been obtained without suit, on the voluntary surrender of it by conscientious parties. But exaggeration has existed as to the amount of balances of money or other property now remaining in the hands of agents of the confederates abroad, other than those against whom suits have already been brought. Proffers of service, in this respect, are, from time to time, made, which always receive attention when the parties thus volunteering appear to possess any trustworthy knowledge or means of knowledge. In some cases, however, the proffers of such service are without avail, owing to the information offered being too indefinite or uncertain to afford any guidance to the efforts of the government. The only person employed by the government in Europe as its agent, in reference to any of these matters, has been Mr. H. B. Titus, of the State of New Hampshire. He had been previously employed as an agent of the department in the southern States, and was selected for the new service in the ordinary course of business and without special recommendation. No contract was made with him for a share of the property recovered.

Mr. L. B. Brasher, of Tennessee, who had also been employed in the southern States, having by letter represented to the department that he possessed valuable information in this respect, was referred to the consul of the United States at London, to act under the direction of the latter, and with the understanding that in case of success he should receive a share of property recovered. This authority was given to Mr. Brasher, also, in the ordinary course of business and without special recommendations. He, however, did not go to Europe, although his brother, B. P. Brasher, went professedly in his stead, but without any authority from the government. The department is not informed that he has recovered any property, nor has he received any compensation. Copies of the correspondence on the subject are annexed, marked L.

The compensation of Mr. Titus and that of the counsel for the government have been drawn from the direct proceeds of property collected in Europe.

And the names of persons employed by government in this behalf, and the payments made to them, appear in the document hereto annexed, marked K.

The heads of departments of the United States have at all times heretofore been deemed to possess authority to retain counsel or attorneys, when the public service requires it, in the prosecution of suits not within the official duty of the Attorney General or district attorneys of the United States, and the Treasury Department, in doing that here, has acted in accordance with the established practice of the government.

With great respect, your obedient servant,

H. McCULLOCH,
Secretary of the Treasury.

Hon. SCHUYLER COLFAX,
Speaker of the House of Representatives.

H.

This agreement made between the United States of America and the commercial firms of Fraser, Trenholm & Co., of Liverpool, England, and John Fraser & Co., of South Carolina, United States of America, by the duly authorized agents and attorneys of the respective parties, on the twenty-fifth day of September, in the year 1867, witnesseth:

Whereas, on the twenty-first instant, counsel of the respective parties did provisionally agree to the following general propositions, namely:

1. All specific property which came into the hands of Fraser, Trenholm & Co. after the dissolution of the so-called confederate government is to be delivered over to the United States, or, if reduced into money by them, the value paid to the United States. If suits are pending for any such property, decree by stipulation is to be entered in favor of the United States with costs in such form as to secure the same to the United States.

2. Fraser, Trenholm & Co., in England, and John Fraser & Co., in the United States, are to render an account to the United States, as they would have been bound to render to the so-called confederate government, if called upon, of the state of their account of receipts and disbursements, including specific values of property and choses in action, as well as money, on the day of the dissolution of the so-called confederate government, to be done under appropriate decretal orders in chancery, and by the instrumentality of agreed masters or auditors. If it should satisfactorily appear on such accounting that the two houses had any balance of money or value on hand at that time, the same to be paid to the United States. If it shall satisfactorily appear that they had no balance, then the bills of discovery and account will be dismissed.

3. And in addition to this, the counsel of the United States will, on the fulfilment of the above conditions, advise the government to discharge the parties from all further claim in the premises.

Now, therefore, in the intent and for the purpose of carrying into full effect the said general propositions, it is agreed as follows:

1. In the suit in the English chancery now pending before Vice-Chancellor Wood in behalf of the United States against Fraser, Trenholm & Co. for for recovery of a cargo of cotton by the ship Aline, it is agreed that decree and final judgment shall be rendered in favor of the plaintiffs against all the defendants for the recovery of the whole of the cotton sued for, excepting so much as the United States may have relinquished, and deducting only the ordinary commercial charges for freight, storage and commissions on the same, in such form as to give the plaintiffs a personal debt against all the defendants, and also the same remedies against the receiver appointed by the court to take and hold the

cotton or its avails, as if the cause had been decided in favor of the plaintiffs on full hearing. The United States shall be entitled to tax full costs in their suit, embracing all costs which have accrued on the cross-bill filed by Fraser, Trenholm & Co.

2. It is further agreed that all specific property of every kind, whether ships, gun machinery, or any other property whatever, and all moneys belonging to the so-called Confederate States on the ninth day of April, one thousand eight hundred and sixty-five, the assumed date of the effectual dissolution of the pretended confederate government, which at any time after that date came into the possession of Fraser, Trenholm & Co., or of any member of said firm, shall be delivered to the United States in the same condition it was at the time of the filing of the first bill of the United States, ordinary decay excepted, or if converted into money or otherwise so disposed of that it cannot be delivered in specie in the same condition it then was, the fair cash value of the same at that time shall be paid to the United States.

3. It is further agreed that in the suit in behalf of the United States pending in the same court above named against the members of the firm of Fraser, Trenholm & Co., for an account of the moneys or other property of the said Confederate States in the hands of said firm, a decree shall be entered in favor of the plaintiffs for an account to be rendered by the defendants, in conformity with the provisions of the bill before such master or commissioner as the parties shall agree, or, in default of such agreement, as the court shall appoint, which account shall embrace all moneys or other property of the said Confederate States coming to the use or control of the said firm or of any member thereof at any time before the ninth day of April, one thousand eight hundred and sixty-five. And in taking said account the defendants are not to be allowed credit for any payments made by them after the time when the intelligence reached England of dissolution of the so-called confederate government, the purpose and object of the account being to show the precise state of the dealings between the defendants and the said Confederate States at that date. Whatever amount such accounting shall show to have been due from the defendants to the so-called Confederate States at that date shall be paid to the United States, or final judgment rendered in the cause for the amount, with taxable costs in the action in either event; and if it shall appear that nothing was then due from the defendants, or either of them, the suit shall be dismissed without costs to either party. This agreement is understood to embrace an accounting for or surrender of the following ships, which are claimed by the United States as property of the Confederate States, viz.: the Ruby, the Rosine, the Penguin, the Owl, the Lark, the Ariel, the Wasp, the Badger, and the Fox. And it is understood that if the balance of the accounts hould be found in favor of Fraser, Trenholm & Co., or of less amount against them than the value of specific property covered by the account, and it shall appear that any of these ships or any other specific property of the said Confederate States were in the actual or constructive possession of Fraser, Trenholm & Co. at the date fixed herein for the termination of the accounting, so as to be embraced within its range, such property shall be surrendered to the United States unless Fraser, Trenholm & Co. held some legal or equitable claims upon the same, either for advances made towards its construction or purchase, or in some other mode by way of special contract or understanding.

4. It is further agreed that if any portion of the judgments rendered in pursuance of the foregoing stipulations shall fail to be paid to the United States, the government will still retain its statutory lien for the payment of the same upon the property of the debtors within the limits of the United States, and may enforce the same against such property at any time.

5. It is further agreed that if any difference shall arise between the parties as to their respective claims in carrying into effect any of the stipulations of this

agreement, except in regard to the accounting or other matters in court, it shall be immediately referred to the determination of arbitrators, one to be selected by each party, and in case of disagreement between them, an umpire to be selected by them, whose decision shall be final in the matter.

6. It is further agreed that the proceedings now pending in the circuit court of the United States for the district of South Carolina in behalf of the United States against the property of the firm of John Fraser & Co., and of the alleged individual members of the same, shall continue in *statu quo*, subject to such modifications as the parties may agree, until the stipulations of this agreement be carried into effect by the firms above named; and if that shall not be so done in a reasonable time, that is, as to the cotton by the Aline within six months hereafter, and as to the other stipulations within six months after ascertainment of balance of account, then in default in either particular, the United States may enter final judgment in their favor in the suit so pending in the circuit court aforesaid for the value of said cotton, and of all the specific property of the so-called Confederate States held by either of said firms at any time before that date, against Theodore D. Wagner, James T. Welsman, William S. Trenholm, defendants in the suits in England, and also against George A. Trenholm, when it shall be made to appear that he is liable therefor.

7. Upon compliance, on the part of the members of both firms above named, with all the stipulations of this agreement, the counsel of the United States will recommend the proper authorities of the government to give them full discharge and release from all claims in the premises.

C. CUSHING,
ISAAC F. REDFIELD,
Counsel for the United States.
JAS. B. CAMPBELL,
A. G. MAGRATH,
Counsel for John Fraser & Co.
JAMES T. WELSMAN,
W. S. TRENHOLM,
(Of the firm of Fraser, Trenholm & Co.,)
Counsel for T. D. Wagner.

Approved:

THEODORE D. WAGNER,
For himself and John Fraser & Co.
W. S. TRENHOLM,
J. T. WELSMAN.

I.

Memorandum of agreement made this sixth day of November, one thousand eight hundred and sixty-six, between Montgomery Gibbs, esquire, agent in Europe for the Treasury Department of the United States of America, and Freeman Harlow Morse, esquire, consul at London for the said United States, of the one part, and Messieurs Fraser, Trenholm & Co. of Liverpool, merchants, of the other part.

It is hereby mutually agreed, as follows:

1. The claim of Messieurs Fraser, Trenholm & Co. against certain property of the late Confederate States under their control is agreed at £150,000.

2. Messieurs Fraser, Trenholm & Co. are to declare what property they have under their control, and where it is, it being understood that among this property are the five following ships: the Ruby, the Rosine, the Penguin, the Owl, and the Lark.

3. This property to be sold at the best price obtainable by Messieurs Fraser, Trenholm & Co., and the net proceeds to be applied to the payment of the £150,000, and any surplus to be accounted for and paid over to the United States government.

4. The United States consul, Mr. Morse, and the United States government, to give every assistance in disposing of the property, and, if proper and expedient, to grant an American register to any or all of the said ships.

5. All suits now pending, either in Great Britain or in the United States, between Fraser, Trenholm & Co., or any of them, and the United States, to be abandoned, each party paying their own costs.

6. Messieurs Fraser, Trenholm & Co. to furnish Mr. Morse and Mr. Gibbs one account, showing how the indebtedness to them is made out, and to allow them an accountant acceptable to Messieurs Fraser, Trenholm & Co to inspect their books, it being understood that any information thus derived shall not be used against any one in any action or proceeding except for the recovery of property.

MONTGOMERY GIBBS, *Agent, &c.*
F. H. MORSE, *United States Consul.*
FRASER, TRENHOLM & CO.

Witness to the signature of all parties:
WM. STONE,
Attorney at Law, Liverpool.

K.

Receipts of F. E. Spinner, Treasurer United States, special agent, on account of confederate property recovered in Europe.

1866.	
October 15. Proceeds of steamer Shenandoah, £15,698 5*s.* 10*d.*	$108,632 18
December 22. Proceeds of steamers Sumter and Tallahassee, £4,711 19*s.* 5*d*	31,326 31
1867.	
January 7. Proceeds of steamers Sumter and Tallahassee, £156 4*s.* 5*d*	1,012 92
September 6. Proceeds of steamers Sumter and Tallahassee, £54 10*s.* 5*d*	376 25
October 3. Recovered from R. P. Waller, confederate agent, £400	2,809 49
Total	144,157 15

Disbursements of F. E. Spinner, Treasurer United States, special agent, on account of confederate property in Europe.

1866.	
October 18. Hon. C. Cushing, special connsel	$5,000 00
December 27. G. H. Chandler, disbursing agent, for mission of Judge Redfield	1,000 00
1867.	
January 4. Hon. J. F. Redfield, special counsel	2,500 00
February 9. Western Union Telegraph Co.	228 87
February 25. H. B. Titus, special agent	1,000 00
July 15. H. B. Titus, special agent	920 00
August 5. Barings, for advances, £6,600, (including 150,000 francs deposited by United States as security for costs in suit against Arman, in France)	45,265 04

August 19. H. B. Titus	$920 00
September 9. Hon. I. F. Redfield	7,229 62
September 12. H. B. Titus	1,415 33
September 23. H. B. Titus	2,875 00
September 27. H. B. Titus	702 29
September 28. Hon. I. F. Redfield	500 00
October 18. Hon. C. Cushing	5,000 00
October 22. H. B. Titus	1,400 82
November 4. G. H. Chandler, disbursing agent	1,439 44
November 15. Western Union Telegraph Co.	70 00
November 26. Hon. I. F. Redfield	3,610 80
November 27. H. B. Titus	2,731 55
1868.	
March 12. G. H. Chandler, disbursing agent	4,000 00
April 11. Hon. I. F. Redfield	2,500 00
Total	90,308 76

L.

TREASURY DEPARTMENT,
August 22, 1866.

SIR: Your letter of August 20, proposing to assist in securing to the government property of the late so-called confederacy, situated in England, has been received, and I have transmitted a copy of the same to the Secretary of State, with the request that he will forward the same to the United States consul at London, with instructions to confer with you, and endeavor to secure such property, and to deposit the proceeds with Baring Brothers & Co., subject to my order.

In case it shall appear that any property so secured shall have been obtained solely through your instrumentality, the department will assent to the payment to you of a reasonable compensation for your services in securing the same, not to exceed one-half the proceeds thereof, after paying all expenses.

This department, however, will incur no expense except in case of the recovery of property from which such expenses may be paid.

I am, very respectfully,

H. McCULLOCH,
Secretary of the Treasury.

Mr. L. B. BRASHER, *Washington, D. C.*

TREASURY DEPARTMENT,
August 22, 1866.

SIR: I transmit herewith a copy of a communication addressed to this department by Mr. L. B. Brasher, in which he states that he can assist in reducing to possession certain property of the late so-called confederate government, which now by right belongs to the government of the United States, situated in England.

If the State Department sees no objection to this course, I would respectfully suggest the transmission of Mr. Brasher's proposition to the United States consul at London, with instructions to take suitable measures to secure any property to the possession of which this government is entitled, in accordance with the general instructions which he has heretofore received from the State Department.

In case of such transmission, I should desire that the consul should be instructed that any property that may be obtained he will of course cause to be converted into money, and will deposit all moneys obtained by him as the proceeds of property or otherwise in this connection with Messrs. Baring Brothers & Co., to the credit of the Treasury Department, transmitting a statement of the same.

In case any property shall be secured solely through the instrumentality of Mr. Brasher, this department will assent to the allowance to him of a reasonable compensation for his services in securing the same, not to exceed one-half the proceeds thereof.

The consul should, however, be instructed that all proceedings for securing money or other property are to be taken by him, all property recovered to be received by him, and the total proceeds deposited by him with Baring Brothers & Co., as before stated.

Upon the receipt from him through the State Department of a report of each transaction, together with a statement of all expenses incurred, and a certificate that the property has been recovered solely through the instrumentality of Mr. Brasher, the allowance to which he will be entitled will be made to him by this department from the proceeds actually received.

I am, very respectfully,

H. McCULLOCH,
Secretary of the Treasury.

Hon. WILLIAM H. SEWARD,
Secretary of State

40TH CONGRESS, 2d Session. } HOUSE OF REPRESENTATIVES. { Ex. Doc. No. 305.

CUSTOM-HOUSE AT TOLEDO.

LETTER

FROM

THE SECRETARY OF THE TREASURY,

IN ANSWER TO

A resolution of the House of 18th ult., relative to the custom-house at Toledo, Ohio.

JUNE 3, 1868.—Referred to the Committee on Appropriations.
JUNE 8, 1868.—Ordered to be printed.

TREASURY DEPARTMENT,
June 1, 1868.

SIR: The following resolution, adopted by the House of Representatives on the 18th of May last, was duly received:

Resolved, That the Secretary of the Treasury be directed to inform this house of the condition of the custom-house and post office at Toledo, Ohio, and what appropriation is needed for such additions and repairs to said building as have been reported necessary for the safety of the public property, and the safe conduct of the public business therein; also whether the interests of the government would not be better subserved by selling the present building and erecting a new one.

Herewith I have the honor to hand you a communication from the supervising architect of the Treasury Department, which is intended to answer fully the resolution referred to.

Very respectfully,

H. McCULLOCH,
Secretary of the Treasury.

Hon. SCHUYLER COLFAX,
Speaker House of Representatives.

TREASURY DEPARTMENT,
OFFICE OF THE SUPERVISING ARCHITECT,
June 1, 1868.

SIR: In accordance with your instructions, I have the honor to submit the following report on the condition of the custom-house building at Toledo, Ohio, with estimates of the cost of repairing and completing the building, and fencing and grading the grounds. I also submit for your consideration my views in regard to the propriety of disposing of the present building, and erecting a suitable and commodious structure in a proper location.

The building is wretchedly constructed, and was never adapted to the wants of the government, and is now less so than ever, in consequence of the great increase in the trade of Toledo. The grade of the streets adjoining the building has been reduced several feet since its erection, greatly increasing the difficulties of access, and rendering a large expense for grading, paving, and refacing the basement story of the building, inevitable. The building is at present in so bad a condition that it is scarcely habitable, and requires immediate repairs.

An appropriation of $10,000 for the repairs of the building was made in 1866, and plans prepared for such alterations and repairs as were deemed indispensable. Careful estimates were prepared, and, as it was found that that sum was entirely inadequate, no further action was taken.

These estimates have been revised in accordance with your instructions, and I am of the opinion that the necessary work cannot be done for less than $35,000 or $40,000. The result would even then be only an unsatisfactory and inconvenient building.

The following extract from the annual report of this office, made September 30, 1863, will show the condition of the building at that time, viz:

> This building was never properly completed, and is somewhat out of repair. Repairs have been ordered which will, it is hoped, protect it during the winter, and nothing but an almost, if not entire, reconstruction can remedy the evil. The lot has never been fenced or graded, and is, in its present condition, a disgrace to the department.

The roof was slightly repaired, but since that date no repairs have been put upon the building, and it is now a still greater disgrace to the government.

As regards the advantages to be derived from selling the present custom-house, and erecting a suitable building in a more eligible and central locality, I cannot speak with confidence, but I am advised by prominent citizens of Toledo that the property could be sold at its original cost, say, $55,000 or $60,000, and that a number of sites, each more desirable, can be procured for a sum not exceeding $35,000 or $40,000. Under these circumstances, I am of the opinion that it would be more desirable to dispose of the present property than to expend so large a sum in repairing a structure that will be at best unsuitable and inconvenient, and will probably be in a few years entirely inadequate for the transaction of the business of the port.

If the property, as it stands, could be sold for $60,000 or $65,000, and a new and more central location procured for $30,000 or $35,000, there would be a surplus of $30,000 or $35,000, which, added to the estimated cost for necessary repairs for the present building, $40,000, and there would be a building fund of $70,000 or $75,000. A small appropriation in addition to this amount would enable this department to erect a building which would be adequate to the wants of the growing city and the necessities of the government.

Very respectfully,

A. B. MULLETT,
Supervising Architect.

Hon. HUGH McCULLOCH,
Secretary of the Treasury.

40TH CONGRESS, 2d Session. } HOUSE OF REPRESENTATIVES. { Ex. Doc. No. 306.

BRIDGE AT ROCK ISLAND.

LETTER

FROM

THE SECRETARY OF WAR,

RECOMMENDING

An appropriation for a bridge to connect Rock Island arsenal with the city of Rock Island, Illinois.

JUNE 9, 1868.—Referred to the Committee on Appropriations and ordered to be printed.

WAR DEPARTMENT,
Washington City, June 8, 1868.

SIR: I have the honor to send herewith, for the consideration of the proper committee, a communication of June 3, from the Chief of Ordnance, recommending an appropriation of $100,000 for the construction of a bridge to connect Rock Island arsenal with the city of Rock Island, Illinois.

Very respectfully, your obedient servant,

J. M. SCHOFIELD,
Secretary of War.

Hon. SCHUYLER COLFAX,
Speaker of the House of Representatives.

ORDNANCE OFFICE, WAR DEPARTMENT,
Washington, June 3, 1868.

SIR: The temporary bridge connecting Rock Island arsenal with the city of Rock Island, on the Illinois shore, was destroyed by ice and flood during the past winter, and there are now no means of communication between them but a temporary ferry. The necessities of the public service require frequent communication of persons and transfer of materials between the city and arsenal, and the re-establishment of a bridge is necessary. A permanent bridge is preferable for every reason, and on the ground of economy. The estimate for the construction of such a bridge is $100,000, and I recommend that an appropriation of that sum be requested from Congress for the purpose.

I enclose herewith a letter from Brevet Brigadier General Rodman, commanding Rock Island arsenal, on the subject of this bridge, and also of another between the arsenal and the town of Moline. The appropriation for the latter is not now requested, because not deemed immediately necessary.

Very respectfully, your obedient servant,

A. B. DYER,
Brevet Major General, Chief Ordnance.

Hon. J. M. SCHOFIELD,
Secretary of War.

ROCK ISLAND ARSENAL,
May 13, 1868.

SIR: I deem it proper respectfully to call the attention of the department to the importance of re-establishing communication, *by bridge*, between this arsenal and Rock Island city, during the coming summer and fall. We shall, otherwise, be entirely cut off from access to the main land during the periods of forming and of breaking up of ice in the river. These periods usually vary from two to four weeks in the fall, and perhaps a shorter period in the spring. And as there must be a permanent bridge erected at the point named at no distant day, I have no doubt as to the propriety, even on the score of economy alone, to say nothing of the greater convenience and safety to life and property, of building a permanent bridge at once.

I would therefore suggest that Congress be asked to appropriate, as soon as practicable, the necessary funds, say $100,000, for the erection of a permanent bridge at the point above named.

When in Washington I named $80,000 as the amount required for this bridge. That estimate contemplated a bridge of three spans of 150 feet each; but on examination, since my return, I find that the width of the channel, or inlet of water, at the head of the island, is about 600 feet, and the outlet or width of waterway at the foot of the island ought to be about as great; otherwise the amount of the contemplated water power will be diminished by the accumulation of water below the dam and above the bridge.

The citizens of this vicinity, and especially those of Moline, are very anxious that a permanent bridge be constructed from Rock Island to that town. And the same argument as to economy, &c., applies to this as to the Rock Island bridge, though it is not at this time so essentially necessary to the public interest; nevertheless it is in my judgment of sufficient public importance to justify its erection at the earliest practicable period. It would cost about the same amount of money as the Rock Island bridge.

Very respectfully, your obedient servant,

T. J. RODMAN,
Lieut. Col. of Ordnance, Bvt. Brig. Gen. U. S. A., Commanding.

Brevet Major General A. B. DYER,
Chief of Ordnance, Washington, D. C.

40TH CONGRESS, 2d Session. | HOUSE OF REPRESENTATIVES. | Ex. Doc. No. 307.

BERGEN HEIGHTS ARSENAL.

LETTER

FROM

THE SECRETARY OF WAR,

TRANSMITTING

Certain papers relative to the Bergen Heights arsenal property, recommending its sale, as no longer needed by the government.

JUNE 9, 1868.—Referred to the Committee on Military Affairs and ordered to be printed.

WAR DEPARTMENT,
Washington City, June 6, 1868.

SIR: At the instance of the Quartermaster General of the army, I have the honor to transmit herewith, for the action of the proper committee, certain papers relating to the Bergen Heights arsenal property, situated in Hudson county, in the State of New Jersey, and belonging to the United States.

This property being no longer required for the public service, the Quartermaster General, for the reasons set forth in his accompanying letter, recommends that it be sold at public auction, which recommendation is concurred in by this department.

Very respectfully, your obedient servant,

J. M. SCHOFIELD,
Secretary of War.

Hon. SCHUYLER COLFAX,
Speaker of the House of Representatives.

QUARTERMASTER GENERAL'S OFFICE,
February 20, 1868.

SIR: I have the honor to submit herewith the enclosed application of L. Perrine, quartermaster general New Jersey, in behalf of the State of New Jersey, for the use of the "Bergen Heights Arsenal property," situated in Hudson county, New Jersey, and to report—

That this property was purchased in 1812 for $2,100. Was sold by the United States in 1827, but the purchasers failed to comply with their engagements, and it became the subject of litigation. In 1843 it was recovered by the United States by law and was placed in charge of the quartermasters' department.

On April 8, 1864, by authority of the War Department, the property was to be turned over to the governor of New Jersey, for the use of the Hudson County artillery, to be occupied during the pleasure of the Secretary of War, upon the condition that the authorities of the county put and keep the building in good order, and pay a suitable person to take care of the premises.

The conditions not having been complied with, the property was leased by authority of the War Department, March 14, 1866, (with exception of arsenal building and a small strip of land immediately around it,) for one year at $500 per annum, to G. and M. B. Beach.

Upon application of these gentlemen, through the Hon. E. N. Hubbell, M. C., to purchase the property, the Quartermaster General reported to the Secretary that the property was no longer required for the public service; the arsenal building being worthless, would not pay to have it repaired; that the small rent received for a portion of the ground was not sufficient for retaining the property, and therefore recommended that it be sold at public auction after due notice, as its location near New York made the grounds very valuable.

The papers upon which this recommendation was based were returned to this office February 28, 1867, with copy of letter from War Department addressed to the honorable member, informing him that the law which he supposed authorized the sale of sites not needed for military purposes was repealed June 12, 1868.

On March 14, 1867, the War Department authorized the renewal of the lease for one year to the Messrs. Beach, including the building and land which had been previously reserved, at an annual rent of $1,500, and rejected the second application for transfer of the property to the State authorities.

The present lease expires March 17, 1868, and the State authorities have made their third application for the use of the property, as a regiment of militia is now being organized, equipped, &c., at the expense of the State. Under a late action of the legislature it is the intention to make the arsenal property the head-quarters, parade-grounds and depot for the storage of the property—provided the premises can be obtained.

The following reasons are given by the State quartermaster general for not accepting the property when its transfer was first authorized by the Secretary of War:

I called on General Van Vliet in obedience to the governor's instructions, and informed General V. of his readiness to receive the property and to enter into any agreement necessary to complete its transfer. This was deferred until the chosen freeholders of Hudson county should by their action agree to take possession of the property upon the terms proposed. A committee was appointed at their first meeting to obtain a modification of the terms "limiting the right of possession to the pleasure of the Secretary of War" on account of the large expenditure required to put it in order. Failing to do this, the board took no further action until a new board was elected, when the terms were accepted and the appropriation voted. In the mean time the premises had been leased to some other party.

Brevet Major General R. Ingalls, assistant quartermaster general, &c., under date of January 30, 1868, reports, that an inspection of the property showed the "arsenal building" to be in very bad condition, the window shutters, sashes and glass being much broken, and that it is used as a tenement house and occupied by persons of doubtful character; the grounds are unenclosed.

General Ingalls is of the opinion that the interests of the government would be advanced, and therefore recommends that the premises for the purpose indicated be transferred to the State, provided it guarantees to place the building and grounds in good order and keep them so.

I do not concur in the above recommendation; but in view of the fact that the present lease expires March 17, 1868; that the premises have not been occupied for many years for military purposes, and in my opinion never will be so used; that the building thereon is worthless, and now occupied by persons of low character, and the ground by drovers for cattle yards, which renders the premises in

their present condition a nuisance to the neighborhood, the subject is respectfully submitted with the recommendation that such action may be taken by the War Department as may be necessary, with a view to its reference to Congress in order that this property, which is of no use to the United States be disposed of by auction sale or otherwise.

Very respectfully, your obedient servant,

D. H. RUCKER,
Acting Quartermaster General, Brevet Major General.

Hon. E. M. STANTON,
Secretary of War, Washington, D. C.

OFFICE OF ASSISTANT QUARTERMASTER GENERAL,
17 *State Street, New York City, January* 30, 1868.

GENERAL: I have the honor to acknowledge the receipt of the letter from the quartermaster general of the State of New Jersey, dated the 14th instant, with accompanying papers, requesting that the Bergen Heights arsenal be turned over to that State for use as an arsenal and drill-room, which were referred from your office to me for report and return with my recommendation in the case.

In reply, I have respectfully to report that an inspection of the property showed the arsenal building to be in very bad repair, the window shutters, sashes, and glass being much broken, and that it is used as a tenement house, and occupied by persons of a doubtful character. The grounds are unenclosed.

In my opinion, the interests of the government would be advanced by the transfer of the premises, for the purposes indicated by the quartermaster general of New Jersey, provided that State guarantees to place the building and grounds in good order, and to keep them so.

I would therefore recommend that the premises be turned over to the State of New Jersey, during the pleasure of the Secretary of War, at the termination of the present lease, which expires March 17, 1868.

The papers referred to this office are herewith returned.

I am, very respectfully, your most obedient servant,

RUFUS INGALLS,
Bvt. Major General and Ass't Quartermaster General.

Brevet Major General D. H. RUCKER,
Acting Quartermaster General, Washington, D. C.

STATE OF NEW JERSEY, QUARTERMASTER GENERAL'S OFFICE,
Trenton, January 14, 1868.

GENERAL: Application was made, on behalf of the State of New Jersey, to the Secretary of War, on the 18th of February, 1864, for the use of the Bergen Heights arsenal, situated in the city of Hudson, county of Hudson, State of New Jersey, to be used by this State as an arsenal and drill-room, during the pleasure of the Secretary of War, "upon condition that the authorities of this State will put and keep the building in good repair, and place a suitable person, subject to the approval of the Secretary of War, to take good care of the premises."

This application was referred to the Quartermaster General United States army, who, under date of April 8, 1864, directed the quartermaster at New

York to turn over the govenror of New Jersey the premises upon the conditions named. Owing to some delay in the execution of the transfer, it was rented in 1865 to some parties in New York for a cattle yard.

Application was again made on the 22d of March last, in reply to which I was informed that the property had again been leased to the same parties. I understand that the lease for these premises will expire on the 1st of April next. By direction of the governor, I have to request that you will cause the said property to be turned over to the State upon the conditions and for the purposes specified. I beg to state, upon the information of the authorities of Hudson county, that the property as occupied at present is an intolerable nuisance. The house is occupied by prostitutes and other disreputable characters, and the grounds by drovers for cattle yards.

It is pleasantly situated on the main street of Hudson city, almost in the centre of the town. This statement is made at the request of the authorities of Hudson city and county, who feel agrieved that the government maintains a nuisance in their midst,

Copies of the correspondence herein referred to are herewith enclosed.

By order of the governor.

Very respectfully, your obedient servant,

L. PERRINE,
Quartermaster General, New Jersey.

General U. S. GRANT,
Secretary of War ad interim, Washington, D. C.

QUARTERMASTER GENERAL'S OFFICE,
January 23, 1868.

Respectfully referred to Brevet Major General Rufus Ingalls, assistant quartermaster general, &c., New York city, New York, for report and return. On the return of these papers, General Ingalls will please make such a recommendation as he may deem proper.

By order Quartermaster General.

JAMES A. EKIN,
Deputy Quartermaster General, Bvt. Brigadier General.

QUARTERMASTER GENERAL'S OFFICE,
Washington, D. C., April 8, 1864.

MAJOR: In pursuance of an approval of the recommendation of the Quartermaster General by the Secretary of War, you will please turn over to the governor of the State of New Jersey the buildings known as the Bergen Heights arsenal, for the occupation of the Hudson County artillery, to be used for the storage of a battery during the pleasure of the Secretary of War, on the conditions named by Major General Wright, sanctioned by Governor Parker, viz., that "the authorities of Hudson county, New Jersey, will put and keep the buildings in good repair, and pay a suitable person, subject to the approval of the Secretary of War, to take good care of the premises."

Very respectfully, your obedient servant,

M. C. MEIGS,
Quartermaster General.

Major S. VAN VLIET,
Quartermaster U. S. A., New York.

A true copy:

STEWART VAN VLIET,
Major and Quartermaster.

STATE OF NEW JERSEY, QUARTERMASTER GENERAL'S OFFICE,
Trenton, March 22, 1867.

SIR: I am directed by his excellency, the governor of New Jersey, to request you to cause the United States arsenal and grounds situated on Bergen Heights, Hudson county, New Jersey, to be turned over to the State of New Jersey, for the uses and purposes and upon the terms and conditions specified in the order of the Quartermaster General, United States army, dated April 8, 1864, addressed to Major Van Vliet, quartermaster at New York, a copy of which, together with the correspondence relating thereto, is herewith enclosed.

In obedience to the governor's instructions, the undersigned called upon Major Van Vliet and informed him of his readiness to receive the property, and enter into any agreement necessary to complete its transfer to the State. This was deferred until the board of chosen freeholders of Hudson county should by their action agree to take possession of the property upon the terms and conditions proposed. A committee was appointed at their first meeting to obtain a modification of the terms limiting the right of possession to the pleasure of the Secretary of War, on account of the large expenditure required to put it in order. Failing to obtain this, the board, I am informed, took no further action, until a new board was elected, when the terms were accepted, and the necessary appropriations voted to put the arsenal in good order, provided they could obtain possession of the entire property. In the mean time, the grounds had been rented for one year to a Mr. Beach for cattle yards.

I beg to state that a regiment of militia is now being organized in Hudson county, to be clothed and equipped at the expense of the State, under a late act of the legislature, and that it is the intention to make the arsenal property the headquarters, parade grounds, and depot for the storage of military property, if this application should be favorably received.

I have the honor to be, very respectfully, your obedient servant,

L. PERRINE,
Quartermaster General, New Jersey.

Hon. E. M. STANTON,
Secretary of War.

40TH CONGRESS, 2d Session. | HOUSE OF REPRESENTATIVES. | Ex. Doc. No. 308.

REMOVAL OF NAVAJO AND UTE INDIANS.

LETTER

FROM

THE SECRETARY OF THE INTERIOR,

TRANSMITTING

Telegram from Lieutenant General Sherman, relative to the removal of the Navajo and Ute Indians.

JUNE 10, 1868.—Referred to the Committee on Appropriations and ordered to be printed.

DEPARTMENT OF THE INTERIOR,
Washington, D. C., June 9, 1868.

SIR: I have the honor to transmit herewith, for the consideration of Congress, a copy of a telegram, dated the 5th instant, from Major General Sherman, relative to the removal of the Navajo and Ute Indians.

Under the circumstances of this case, I respectfully and earnestly request that the House of Representatives take prompt and favorable action in the premises, that the means of relief so imperatively demanded may be used at an early day, and the humane measures now in progress result in success.

I am, sir, very respectfully, your obedient servant,

O. H. BROWNING, *Secretary.*

Hon. SCHUYLER COLFAX,
Speaker of the House of Representatives.

[Telegram.]

FORT SUMNER, NEW MEXICO,
May 30, 1868.

[By mail from Denver, Colorado, June 5, 1868.]

Hon. J. B. HENDERSON, *United States Senate:*

Have had four (4) long interviews with the Navajoes. Without absolute force they will not remain here or immigrate further east. Tappan and I have concluded to let them return to a reservation in the northwest part of New Mexico, and on the faith of the $150,000 proposed, or will put them in motion at once. We find 1,500 Utes at Maxwell's, feeding off the army. See the Secretary of the Interior and let me know if he cannot take them this summer over to their reservation. Answer me by telegraph at Fort Union, New Mexico, via Denver, at once.

W. T. SHERMAN.

40TH CONGRESS, 2d Session. } HOUSE OF REPRESENTATIVES. { Ex. Doc. No. 309.

APPROPRIATIONS FOR PUBLIC BUILDINGS AND GROUNDS.

LETTER

FROM

THE SECRETARY OF WAR,

TRANSMITTING

Communication from Chief of Engineers relative to an appropriation for public buildings and grounds.

JUNE 10, 1868.—Referred to the Committee on Appropriations and ordered to be printed.

WAR DEPARTMENT,
Washington City, June 9, 1868.

SIR: I have the honor to send herewith for the consideration of the proper committee a copy of a communication of March 17, 1868, from the Chief of Engineers, with an estimate (duplicate herewith) of funds to supply deficiencies in appropriations for public buildings and grounds for the fiscal year ending June 30, 1868. The original letter, with accompanying estimate, was transmitted to the House of Representatives on the 27th of March.

Very respectfully, your obedient servant,

J. M. SCHOFIELD,
Secretary of War.

Hon. SCHUYLER COLFAX,
Speaker of the House of Representatives.

HEADQUARTERS CORPS OF ENGINEERS,
Washington, D. C, March 17, 1868.

SIR: I beg leave to submit herewith the accompanying statement of amounts required to supply deficiencies in appropriations for public buildings and grounds for the fiscal year ending June 30, 1868, presented to these headquarters by Major and Brevet Brigadier General N. Michler, corps of engineers, and amounting in the aggregate to $18,725.

Very respectfully, your obedient servant,

A. A. HUMPHREYS,
Brigadier General of Engineers, Commanding.

Hon. E. M. STANTON,
Secretary of War.

A true copy:

N. MICHLER,
Major of Engineers, Brevet Brig. Gen. U. S. A.

Statement of amounts required to supply deficiencies in appropriations for public buildings and grounds, for the fiscal year ending June 30, 1868.

For additional labor cleaning the centre building of the Capitol, repairing the Washington statue on the east grounds of the Capitol, cleaning and repairing columns in the building, laying a new brick pavement on the west front, and repairing fountains..	$1,500 00
For taking care and improvement of reservation number 2 and Lafayette square, (pamphlet, p. 462, sec. 1, March 2, 1867)....	500 00
For care and improvement of grounds south of the President's house, (pamphlet, p. 462, sec. 1, March 2, 1867).....	1,000 00
For continuing the grading of Virginia avenue, to pay cart-hire—labor having been furnished by the Commissioner of the Freedmen's Bureau, when the original appropriation was exhausted, to continue the work, the hire of carts to be paid by the officer in charge of public buildings and grounds, (pamphlet, p. 462, sec. 1, March 2, 1867)	2,000 00
For cleaning sewer traps on Pennsylvania avenue, (pamphlet, p. 462, sec. 1, March 2, 1867)	500 00
For repairs of water pipes, (pamphlet, p. 462, sec. 1, March 2, 1867)	300 00
For removing snow and ice from pavements and public walks, (pamphlet, p. 462, sec. 1, March 2, 1867)	200 00
For repairs of Pennsylvania avenue and keeping it clean and free from dirt, (pamphlet, p. 462, sec. 1, March 2, 1867)	2,500 00
For annual repairs of the President's House, including the payment of bills approved by the joint committee of Congress appointed to audit the bills for repairing and refurnishing the Executive Mansion, (pamphlet, p. 463, sec. 1, March 2, 1867).....	10,000 00
For removal of foot-bridge from Maine avenue to Third street west, (pamphlet, p. 463, sec. 1, March 2, 1867)	75 00
For improvement and taking care of the Circle on Pennsylvania avenue and Twenty-third street west, (pamphlet, p. 463, sec. 1, March 2, 1867)	150 00
	18,725 00

NOTE.—These deficiencies arise on account of the payment of liabilities incurred by the late Commissioner of Public Buildings, and which were paid from the appropriations for the fiscal year ending June 30, 1868; and for the further reason that bills to the amount of $42,000, for the repairs and refurnishing of the Executive Mansion, have been presented and most of them approved by the joint committee of Congress appointed to audit these accounts, and for the payment of which $35,000 was appropriated.

Within the last few days a portion of the ceiling of the main hall of the Executive Mansion has fallen down, and, upon examination, the ceiling of some of the rooms is in such a condition as to require immediate attention. The appropriation for the present fiscal year is not sufficient to pay for these much-needed repairs.

In regard to the appropriation of $1,500 for additional labor for cleaning centre building, repairs of the Washington statue, &c., &c., I will remark that no appropriation was placed in my hands for the year 1867, and none was made for the fiscal year ending June 30, 1868, for the above purposes. The cleaning of the columns, as well as the whole central part of the building, was very neces-

sary, and the repairs of the statue were absolutely needed, otherwise a large portion of it might have been irreparably damaged. The fountains on the Capitol grounds were in a leaking condition, and the pavement on the west front of the building was in such a bad state as to absolutely require that a new one be laid.

Respectfully submitted.

N. MICHLER,
Major of Engineers, Bvt. Brig. Gen. U. S. A, in charge.

40TH CONGRESS, 2d Session. | HOUSE OF REPRESENTATIVES. | Ex. Doc. No. 310.

GREAT AND LITTLE OSAGE INDIANS.

MESSAGE

FROM THE

PRESIDENT OF THE UNITED STATES,

IN REFERENCE TO

A treaty now being negotiated with the Great and Little Osage Indians.

JUNE 11, 1868.—Referred to the Committee on Indian Affairs, to investigate, with authority to send for persons and papers, and ordered to be printed.

To the House of Representatives:

In reply to the resolution of the House of Representatives of the 1st instant, I transmit herewith a report from the Secretary of the Interior in reference to a treaty now being negotiated between the Great and Little Osage Indians and the special Indian commissioners acting on the part of the United States.

ANDREW JOHNSON.

WASHINGTON, D. C., *June* 10, 1868.

DEPARTMENT OF THE INTERIOR,
Washington, D. C., June 9, 1868.

SIR: I have the honor to acknowledge, by reference from you, the receipt of a preamble and resolution of the House of Representatives as follows:

Whereas the Indian tribes of the United States have no power by treaty to dispose of their lands except the power of cession to the United States, and whereas a treaty is now being negotiated between the Great and Little Osage Indians and the special Indian commissioner, acting on the part of the United States, by which eight millions of acres of lands belonging to these Indians are to be transferred to the Leavenworth, Lawrence and Galveston Railroad Company, in contravention of the laws and policy of the United States affecting the public domain: Therefore,

Resolved, That the President of the United States be requested to inform this house by what authority and for what reasons the said lands are to be disposed of as above recited, and not ceded to the United States and made subject to their disposition.

This department is not advised whether the recitals in the preamble are or not true. No information, either official or unofficial, has reached the department to that effect.

The 4th section of the act of Congress of March 3, 1863, entitled "An act making appropriations for the current and contingent expenses of the Indian department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June thirtieth, eighteen hundred and sixty-four," provides

"That the President of the United States be, and is hereby, authorized to enter into treaties with the several tribes of Indians, respectively, now residing in the State of Kansas, providing for the extinction of their titles to lands held in common within said State, and for the removal of such Indians of said tribes as hold their lands in common, to suitable localities elsewhere within the territorial limits of the United States, and outside the limits of any State." (Stat. at Large, vol. 12, pp. 774 and 793.)

Representations were made to this department, from time to time, through the past autumn and winter, by the superintendent of Indian affairs for the central superintendency, by Senator Ross, of Kansas, and others, that the interests of the citizens of Kansas and the growth and prosperity of the State alike demanded the negotiation of a new treaty with the Great and Little Osages, for the relinquishment of their lands in that State, and their removal beyond its borders; and that the Indians, in common with the citizens of Kansas, were anxious that a new treaty for the accomplishment of these ends should be made.

In view of these representations, and of the law hereinbefore recited, making it your duty to enter into treaties with the several tribes of Indians in Kansas, for the extinguishment of their titles to land in that State and for their removal to other localities, the department applied to you for the appointment of commissioners on the part of the United States, to meet commissioners on the part of the Great and Little Osages, to negotiate a treaty in accordance with the requirements of the law.

On the 3d of April, 1868, in compliance with the recommendation and request of the department, you appointed Nathaniel G. Taylor, Commissioner of Indian Affairs; Thomas Murphy, superintendent of Indian affairs for the central superintendency; Albert G. Boone, special commissioner to locate Indian lands; and George C. Snow, United States Indian agent, such commissioners.

By virtue of this appointment, the commissioners on the part of the United States proceeded to the Indian country, and it is reported that they have concluded a treaty with the Indians. But no such treaty has yet been reported to the department; and if one has been negotiated, the department is uninformed as to its provisions, no special instructions having been given the commissioners on the subject.

I submit herewith copies of all communications, to and from the department, relating to the appointment of the commissioners and the negotiation of the treaty, as per list following:

1. Letter from Superintendent Murphy to Commissioner of Indian Affairs, dated November 15, 1867.
2. Letter from Acting Commissioner of Indian Affairs to Secretary of the Interior, dated December 2, 1867.
3. Letter from the Secretary of the Interior to Acting Commissioner of Indian Affairs, dated December 3, 1867.
4. Letter from Senator Ross to the Secretary of the Interior, dated December 10, 1867.
5. Letter from Senator Ross to Commissioner of Indian Affairs, dated January 8, 1868.
6. Letter from Acting Commissioner of Indian Affairs to Secretary of the Interior, dated January 9, 1868.
7. Letter from Senator Ross to Commissioner of Indian Affairs, dated January 24, 1868.
8. Letter from Secretary of the Interior to Commissioner of Indian Affairs, dated January 28, 1868.
9. Letter from Commissioner of Indian Affairs to Secretary of the Interior, dated January 27, 1868.
10. Letter from Agent G. C. Snow to Superintendent Murphy, dated February 16, 1868.

11. Letter from Agent G. C. Snow to Superintendent Murphy, dated February 16, 1868.
12. Letter from Superintendent Murphy to Commissioner of Indian Affairs, dated February 25, 1868.
13. Letter from Agent G. C. Snow to Superintendent Murphy, dated February 25, 1868.
14. Letter from Superintendent Murphy to Commissioner of Indian Affairs, dated February 25, 1868.
15. Letter from Superintendent Murphy to Commissioner of Indian Affairs, dated March 5, 1868.
16. Letter from Superintendent Murphy to Secretary of the Interior, dated March 26, 1868.
17. Copy of commission, appointing N. G. Taylor, Thomas Murphy, A. G. Boone, and G. C. Snow, commissioners.

I am, sir, with great respect, your obedient servant,

O. H. BROWNING, *Secretary.*

The PRESIDENT.

No. 1.

OFFICE OF SUPERINTENDENT INDIAN AFFAIRS,
Atchison, November 15, 1867.

SIR: I have the honor to inform you that in my opinion the welfare of the Osages requires that a treaty be made with them this winter, providing for the sale of their present reservation in Kansas, and their removal to some portion of the Indian country south of this State. This is rendered necessary from the manner in which the reserve is being taken possession of by white settlers.

Settlements and locations have already been made on their reserve, a distance of four or five miles from the boundary of the same, and nothing will keep them off except a military force is constantly stationed there, for they pay no attention to what the officers of the Indian department may say. These white men are sustained by the State authority.

Not long since the adjutant general of this State sent them arms and ammunition with which to defend themselves. The Osages are well aware of this, and in a conversation had at Medicine Lodge creek with Commissioner Taylor, Little Bear expressed a wish to take a delegation of his people to Washington this winter These Indians are now in the neighborhood of Medicine Lodge creek, where they will remain all winter, hunting game, &c.; and in case you coincide with me that a treaty should be made with them, I have to request that you give me such instructions in the premises as in your judgment you may deem best. If they are to be taken to Washington this winter, these instructions should be given immediately, as it will take some time to reach them, at their present hunting grounds. In this connection I would suggest that, as there are to be delegations of Indians from Agents Leavenworth's and Wynkoop's and other agencies who will visit Washington this winter, it would be best to have them come on at the same time, as in this way arrangements can be made with the railroad companies to transport them at reduced rates. Should you consider this wise and proper, instructions should be given to some one man to see to this business, and the agents should be directed to bring their Indians to Leavenworth city at a stated time, and funds should be placed in the hands of the party intrusted with this service, to defray the expenses of the party to Washington.

Very respectfully, your obedient servant,

THOS. MURPHY,
Superintendent of Indian Affairs.

Hon. C. E. MIX,
Acting Commissioner, Washington, D. C.

No. 2.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, D. C., December 2, 1867.

SIR: I have the honor to enclose herewith a letter from Superintendent Murphy, dated the 15th ultimo, relative to the affairs of the Osage Indians, making a statement in regard to the necessity of negotiating a new treaty with them, and recommending that a delegation of the tribe be permitted to visit this city for that purpose.

There can be no doubt but that it would be for the interest of these Indians, as well as of the white settlers in Kansas, if a new treaty could be made with them. Frequent reports have been received at this office of the whites encroaching upon these Indians, and settling within the limits of their present reservation. If a treaty were made, by which they could be moved out of Kansas, and into the Indian territory, I am satisfied that it would be to the advantage of both parties, and therefore have no hesitation in recommending that a delegation of the tribe be permitted to visit this city the present winter, with the view of negotiating such treaty.

There are no funds, however, at present at the disposal of the department that can be applied towards defraying the expenses of such delegation, and if it is determined to allow the visit to be made, it will be necessary to have an appropriation made by Congress to meet such expenses. I am of the opinion that Congress will, after being advised of the present condition of the Osages, and of their affairs, make proper provision to enable the department to carry out its views and objects in regard to those Indians.

The matter is respectfully referred for your consideration and determination, and for such instructions respecting such delegation, as well as the other delegations referred to by the superintendent, in connection with their visit to this place, as you deem proper and necessary.

Very respectfully, your obedient servant,

CHARLES E. MIX,
Acting Commissioner.

Hon. O. H. BROWNING,
Secretary of the Interior.

No. 3.

DEPARTMENT OF THE INTERIOR,
Washington, D. C., December 3, 1867.

SIR: Referring to your communication of the 2d instant, relative to the affairs of the Osage Indians, and enclosing a letter from Superintendent Murphy, recommending that a delegation of the tribe visit this city for the purpose of negotiating a new treaty, I have to inquire whether, conceding the necessity for such a treaty, it would be better for a delegation to visit the city or commissioner be sent there to negotiate.

If it should be decided to bring them here, how many are to come, and what amount of appropriation will be needed to meet the expense? Superintendent Murphy's letter returned.

I am, sir, very respectfully, your obedient servant,

O. H. BROWNING, *Secretary.*

Hon. C. E. MIX,
Acting Commissioner of Indian Affairs.

No. 4.

UNITED STATES SENATE CHAMBER,
Washington, D. C., December 10, 1867.

SIR: I am informed that a communication has been received at the office of Indian affairs from Superintendent Murphy, of Kansas, recommending the making of a new treaty with the Osage Indians of Kansas for the cession of their present reservation to the United States, and their removal to the Indian territory south of Kansas. I most heartily concur in the suggestion of Superintendent Murphy.

In conversation with a number of chiefs and headmen of the Osages last summer I was informed by them that it was the general desire of their people to transfer the balance of their lands and take new homes in the region mentioned.

It being understood that these Indians have, in advance, consented to the sale of their lands, there are many considerations of an important public nature which urge the prompt adoption by the government of this proposition by the Indians.

It would be better for the Indians themselves to be removed from their present location to one less exposed to contact with the whites. In their present wild, uncivilized condition, and roaming over, as they do, an immense region of country, possessing no specific knowledge of its defined limits, it is impossible that conflicts should not occur disturbing the quiet of the settlement, and consequently retarding the development of the vicinities where they occur. Without pretending to fix the responsibility for these irregularities, it is sufficient that a method for their avoidance is offered in this proposition for sale and removal.

These people are not now prepared for an abandonment of their present mode of life, but it is hoped that stipulations may be incorporated into a new treaty providing for the allotment of their lands in severalty, the annual supply out of the interest accruing upon the sum which will be due them for their lands of stock and agricultural implements, and for the establishment of manual-labor schools among them. With such provisions as these not a tenth part of the land now occupied by them would be needed, and the money received for the balance would go far to prepare them to engage in a much higher and more prosperous manner of living. I am induced to believe that a large portion of the tribe is prepared to attempt the gradual introduction of a reform of this kind, which properly seconded by the government could not but produce most beneficent results. Provision could also be made, as in my judgment it ought to be, for the establishment of police regulations, and thus the inculcation of political ideas preparatory to their ultimate incorporation into the State.

The State which I in part represent has also a deep interest in the acceptance of this proposition by the government. Embracing, as this reservation does, some 9,000,000 acres of land, much of it among the best in the State, and possessing a uniformly mild and genial climate, it is being eagerly sought by emigrants from nearly every State in the Union. While there is no claim or concession of any right to trespass upon these lands, yet disturbances have arisen, and it must be apparent that the most effectual and satisfactory method of preventing their recurrence is at once to extinguish the Indian title on fair and honorable terms, and provide for their settlement at the option of the emigrant. At present these lands are sealed up against settlement and development. Seven thousand square miles, a tract greater than some of the States, and comprising nearly a tenth part of my State, remain and will remain, as long as the Indian possession continues, a barren and unproductive waste; practically a desert and a refuge for outlaws within the State, within the limits of which the

laws of the State are practically inoperative, and the law officers comparatively powerless.

In the hands of the government, or rather in the hands of actual settlers, which would speedily result from their purchase by the government, but a very few years would elapse till it would be densely populated, and be made one of the richest and most productive portions of the State; and feeling confident, as I do, that the extinction of the Indian title would be directly productive of this high degree of development, I should do violence to my own sense of duty, and fail to represent the interests of my constituents, were I not to urge every consideration in my power in behalf of this proposition.

I have, therefore, the honor to request that the suggestions made by Superintendent Murphy be duly considered, and that steps be taken at the earliest practicable day for the making of a treaty which shall throw these lands open to settlement and improvement.

Very respectfully, your obedient servant,

E. G. ROSS.

Hon. O. H. BROWNING,
Secrerary of the Interior.

No. 5.

UNITED STATES SENATE CHAMBER,
Washington, January 8, 1868.

DEAR SIR: Please inform me whether the Osage chiefs have been ordered to Washington with a view to making a new treaty; if so, when they will probably be here.

Truly yours,

E. G. ROSS.

Hon. N. G. TAYLOR.

No. 6.

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,
Washington, D. C., January 9, 1868.

SIR: I have the honor to reply to your letter of the 3d ultimo, relative to a delegation of Osage Indians visiting this city for the purpose of negotiating a new treaty, and your reference on the 4th instant of a letter from Hon. E. G. Ross, upon the same subject, to state as follows, viz: I think it would be better for a delegation to visit this city than to send commissioners there to negotiate. Agent Snow, in a report dated the 31st ultimo, forwarded by Superintendent Murphy in a letter dated the 3d instant, and received at this office yesterday, states as follows, viz: "I am satisfied that they cannot agree on a delegation to go to Washington to make a treaty, although all the chiefs are anxious to go." In regard to this statement, I would respectfully remark that Commissioner Taylor saw Little Bear, an Osage chief, at Medicine Lodge creek, and Little Bear there stated to him that the Osages desired to send a delegation to Washington, and that they could agree in the selection of such delegation.

The delegation, in my opinion, should consist of nine persons, to be composed as follows, viz: The principal chief of the tribe; three persons from each of the two parties of the tribe respectively, viz: the Great Osages and the Little Osages; the agent and an interpreter.

I estimate $2,500 as the amount that will be required to cover the expense of having such a delegation visit this city, for their expenses while here and to return to their country.

In the event you shall decide to have the delegation come to this city, I would respectfully suggest whether it would not be well, in view of the importance of early action, to anticipate the appropriation by Congress by advancing from the funds of the tribe on hand for the expenses of the delegation, if it can properly be done.

The letter of Hon. Mr. Ross is herewith returned.

Very respectfully, your obedient servant,

CHARLES E. MIX,
Acting Commissioner.

Hon. O. H. BROWNING,
Secretary of the Interior.

No. 7.

UNITED STATES SENATE CHAMBER,
Washington, January 24, 1868.

SIR: I am informed that your estimate for the appropriation necessary to bring a delegation of the Osage Indians to Washington is now in the hands of the House Appropriation Committee, where it is liable to rest until the general appropriation bill comes up, some weeks, probably some months hence.

In view of this probable delay, I desire to ascertain whether the requisite permission would be given if the Indians should choose to come on, and run the risk of having to defray their own expenses, in case no appropriation should be made by Congress hereafter.

I am induced to ask this in view of the urgency of the case, they desiring to sell their lands and thus be ready to remove in the early spring now approaching; and also in the confident expectation that they could secure the necessary funds, if they should not now have them, and would very cheerfully incur the risk of the money being hereafter refunded them by the government.

It is of vital importance to the Indians, as well as to the people of that section of my State, that a treaty should be made, and the Indian title extinguished at the earliest practicable day. On this, both parties, Indians and whites, are agreed; and if the present owners are willing to take the chances mentioned, I can see no impropriety in their being allowed to visit Washington for the purpose at once.

Very respectfully, your obedient servant,

E. G. ROSS.

Hon. N. G. TAYLOR,
Commissioner of Indian Affairs, Washington, D. C.

No. 8.

DEPARTMENT OF THE INTERIOR,
Washington, D. C., January 28, 1868.

SIR: I acknowledge the receipt of your letter of the 27th instant, relative to a delegation of Osage Indians visiting Washington for the purpose of negotiating a treaty, and enclosing a communication from Senator Ross, of Kansas, on the subject.

There is no appropriation at the control of the department to defray the expenses of bringing a delegation of Osages here; but as it is represented to be of vital importance to the Indians, as well as to the people of Kansas, that a treaty shall be made, and the Indian title to the lands in Kansas be extinguished

at the earliest possible day, a delegation may come on the understanding that they defray their own expenses in the event that Congress shall fail to make an appropriation for the purpose.

The letter from Senator Ross is herewith returned.

Very respectfully, your obedient servant,

O. H. BROWNING, *Secretary.*

Hon. N. G. TAYLOR,
Commissioner of Indian Affairs.

No. 9.

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,
Washington, D. C., January 27, 1868.

SIR: On the 11th instant an estimate of appropriation required to defray expenses of a delegation of Osage Indians to visit this city for the purpose of negotiating a treaty, was reported to you to be transmitted to Congress. I have the honor to enclose herewith a letter from Hon. E. G. Ross, dated the 24th instant, upon this subject.

Senator Ross urges the necessity of early action in this matter, and states that the estimate referred to "is now in the hands of the House Appropriation Committee, where it is liable to rest until the general appropriation bill comes up, some weeks, probably some months, hence," and desires to be informed whether permission will be given to the Indians "to come on and run the risk of having to defray their own expenses in case no appropriation should be made by Congress hereafter," and thinks the "Indians would cheerfully incur the risk."

In view of the facts presented I would respectfully recommend that permission be granted on the terms mentioned. You will please return the letter of Hon. Mr. Ross with your decision in the premises.

Very respectfully, your obedient servant,

N. G. TAYLOR,
Commissioner.

Hon. O. H. BROWNING,
Secretary of the Interior.

No. 10.

HUMBOLDT, KANSAS, *February* 16, 1868.

SIR: From what I can learn there are hundreds of persons in Kansas making arrangements to go down on the Osage lands to make claims as soon as the Osage delegation leaves for Washington. It has been published in the St. Louis papers that a delegation has been ordered on. *Something must be done to stop this movement.* If the Indians should make a treaty, their women and children will be driven from their camps before they return from Washington.

I would therefore respectfully ask you to get an order at once on the commander of the post at Fort. Leavenworth, for an officer and at least ten well-mounted men, *to report as soon as possible,* to Deputy Marshal S. S. Dickinson, Humboldt, Kansas.

Respectfully, your obedient servant,

G. C. SNOW,
U. S. Neosho Indian Agent.

Colonel T. MURPHY,
Superintendent Indian Affairs, Washington, D. C.

No. 11.

HUMBOLDT, KANSAS, *February* 16, 1868.

SIR: I have not yet succeeded in getting a delegation of Osage Indians to go to Washington. I have had great trouble in harmonizing the different factions. They are to meet the 21st instant to select their men to go. I now think they will agree. I may have to take eight men. They do not like the idea of paying their own expenses. I have given my word that I would do all I could to have the expense paid by the government. I hope you will *do all you can* to have this done. If I succeed, we cannot leave Lawrence before the 2d day of March; be in Washington about the 5th.

Very respectfully, your obedient servant,

G. C. SNOW,
U. S. Neosho Indian Agent.

Colonel THOMAS MURPHY,
Superintendent Indian Affairs, Washington, D. C.

No. 12.

WASHINGTON, D. C., *February* 25, 1868.

SIR: I have the honor herewith to enclose a letter of the 16th instant from Agent Snow, relative to bringing a delegation of Osage Indians to this city.

Very respectfully, your obedient servant,

THOMAS MURPHY,
Superintendent Indian Affairs.

Hon. N. G. TAYLOR,
Commissioner.

No. 13.

HUMBOLDT, KANSAS, *February* 25, 1868.

SIR: I received a copy of the honorable Commissioner's letter to you of January 28 on the 12th instant, in the Indian country, the contents of which had been anticipated by telegrams and letters from you.

I had been doing all I could for several days to harmonize the different factions. On the 12th instant the two parties agreed that they would come together at the Big Hill town on the 21st instant and decide what they would do. On the 20th I went to White Hair's town, and there learned that he was not going to the council, saying "that he would not be dragged down to Big Hill town to a council, and he had no land to sell."

I staid there until noon the 21st, hired a team, and got the most of White Hair's leading men to go down. After counselling two days and one night they decided not to send a delegation to Washington.

All the chiefs and most of the leading men are very anxious to visit the capital, but they do not want to run the risk of paying their own expenses, or make a treaty by which their title to lands in Kansas will be extinguished. I think a majority of the Indians would favor a treaty if they knew where the government would re-locate them.

Some of them favor a treaty reserving the Arkansas river and Whitewater. A treaty can be made, I think, this spring, if the following plan can be pursued:

1. Send me an order (with maps) to take as many Osages as will go, to pro-

ceed to the Indian territory and select their future home. The maps must show all the lands from which we can select.

2. Have their payment ready by the 20th of May.

3. Have commissioners here ready, and fully authorized, by the 25th of May, to make a treaty.

I believe they will take the Seminoles' lands if they can go down as far as the mouth of Little river.

Very respectfully, your obedient servant,

G. C. SNOW,
United States Neosho Indian Agent.

Colonel THOMAS MURPHY,
Superintendent Indian Affairs, Atchison, Kansas.

No. 14.

WASHINGTON, D. C., *February* 25, 1868.

SIR: I have the honor herewith to transmit a letter of the 16th instant from Agent Snow, stating that when the delegation of Osage Indians left for Washington their reservation would be settled on by whites, their women and children be driven from their camps, and asking for an order for an officer and ten mounted men to protect the rights of the Indians.

Very respectfully, your obedient servant,

THOMAS MURPHY,
Superintendent Indian Affairs.

Hon. N. G. TAYLOR,
Commissioner.

No. 15.

OFFICE SUPERINTENDENT INDIAN AFFAIRS,
Atchison, March 5, 1868.

SIR: I have the honor herewith to transmit a letter from Agent Snow, of the 25th ultimo, reporting the determination of the Osage Indians not to send a delegation to Washington to dispose of their lands.

Very respectfully, your obedient servant,

THOMAS MURPHY,
Superintendent Indian Affairs.

Hon. N. G. TAYLOR,
Commissioner, Washington, D. C.

No. 16.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, D. C., March 26, 1868.

SIR: I have the honor to inform you that the Osage Indians have declined to visit Washington, for the reason that the Cheyennes and Arapahoes are at war with them, and the headmen of the Osages are unwilling to leave their people while this war exists. They are, however, anxious to make a treaty with the government for the sale of their trust lands and diminished reserve,

and have agreed with their agent to meet commissioners of the government in council, on their reservation, on the 14th of next month, for the purpose of negotiating such a treaty.

If it is the pleasure of the government to appoint commissioners to meet these Indians on the day designated, I respectfully recommend that the itemized estimate of goods submitted by Agent Snow to the Indian department, and amounting to $7,500, be purchased at once, and shipped to Lawrence, Kansas, so as to have them there in time to be distributed to the Indians at the time of holding said council. This will do away with the necessity of furnishing them with presents, which is always customary in negotiating treaties or holding councils with these Indians.

Very respectfully, your obedient servant,

THOS. MURPHY,
Superintendent Indian Affairs.

Hon. O. H. BROWNING,
Secretary of the Interior.

P. S.—The object in calling your attention to this matter is that the interest due these Indians shall be paid to them semi-annually, in money, clothing, provisions, or such articles of utility as the Secretary of the Interior may, from time to time, direct. (See Statutes at Large, volume 14, page 687.)

THOS. MURPHY,
Superintendent Indian Affairs.

No. 17.

EXECUTIVE MANSION, WASHINGTON, D. C.,
April 3, 1868.

NATHANIEL G. TAYLOR, *Commissioner of Indian Affairs:*

Under authority conferred by the 3d section of the act of Congress approved February 27, 1851, relative to the negotiation of Indian treaties, you are hereby designated and appointed a commissioner, jointly with Thomas Murphy, superintendent of Indian affairs for Central superintendency, Albert G. Boone, special Indian commissioner to locate Indian lands, and George C. Snow, United States Indian agent, as commissioners, to negotiate a treaty with the Great and Little Osage tribes of Indians.

ANDREW JOHNSON,
President.

O. H. BROWNING,
Secretary of the Interior.

GREAT AND LITTLE OSAGE INDIANS.

MESSAGE

FROM THE

PRESIDENT OF THE UNITED STATES,

IN ANSWER TO

A resolution of the House of 13th instant, relative to the treaty concluded with the Great and Little Osage Indians.

JUNE 15, 1868.—Referred to the Committee on Indian Affairs and ordered to be printed.

To the House of Representatives:

I transmit herewith a report from the Secretary of the Interior, made in reply to the resolution adopted by the House of Representatives on the 13th instant.

The treaty recently concluded with the Great and Little Osage Indians, to which the accompanying report refers, was submitted to the Senate prior to the receipt of the resolution of the House upon the subject.

ANDREW JOHNSON.

WASHINGTON, D. C., *June* 15, 1868.

DEPARTMENT OF THE INTERIOR,
Washington, D. C., June 15, 1868.

SIR: I have the honor to acknowledge, by reference from you, the receipt of a preamble and resolution, adopted by the House of Representatives on the 13th instant, in relation to a treaty recently concluded between the United States and the Great and Little Osage tribes of Indians.

The resolution is as follows:

Resolved, That the President is hereby requested to furnish to this house copies of all instructions, records, and correspondence, connected with the commission authorized to make the above-named treaty, and copies of all propositions made to said commission from railroad corporations or by individuals; and the President is requested to withhold said treaty from the Senate, or, if sent to the Senate, to withdraw the same, until a full investigation can be had and report made by the Committee on Indian Affairs of this house.

On the 9th instant I had the honor to make to your Excellency a report, in response to preamble and resolution adopted by the House of Representatives on the 1st instant, upon the same subject.

That report embraced copies of all "records and correspondence connected

with the commission authorized to make the above-named treaty," and has been duly communicated to the House of Representatives, and is now in its possession.

No instructions were given to the commissioners except such as were contained in their commission, which, in general terms, designated their duties. A copy of the commission was made a part of the report above referred to, and is now in the possession of the House.

No "propositions made to said commission from railroad corporations or by individuals" have come to the knowledge or possession of this department.

Prior to the passage of the preamble and resolution, the treaty had been laid before you by this department, with the request that you would communicate it to the Senate for its constitutional action thereon.

I am, sir, with great respect, your obedient servant,

O. H. BROWNING, *Secretary*.

The PRESIDENT.

40TH CONGRESS, 2d Session. } HOUSE OF REPRESENTATIVES. { Ex. Doc. 310, Pt. 3.

GREAT AND LITTLE OSAGE INDIANS.

MESSAGE

OF THE

PRESIDENT OF THE UNITED STATES,

IN ANSWER TO

A resolution of the House of the 13th ultimo, relative to the late treaty with the Great and Little Osage Indians.

JULY 18, 1868.—Referred to the Committee on Indian Affairs and ordered to be printed.

To the House of Representatives:

In compliance with the resolution adopted by the House of Representatives on the 13th instant, requesting "copies of all instructions, records, and correspondence connected with the commission authorized to negotiate the late treaty with the Great and Little Osage Indians, and copies of all propositions made to said commission from railroad corporations, or by individuals," I transmit the accompanying communications from the Secretary of the Interior, together with the papers to which they have reference.

ANDREW JOHNSON.

WASHINGTON, *D. C. July* 18, 1868.

DEPARTMENT OF THE INTERIOR,
Washington, D. C., July 17, 1868.

SIR: I am in receipt, by reference from you, of a resolution adopted by the House of Representatives on the 13th instant, requesting the President "to furnish to the House copies of all instructions, records, and correspondence connected with the commission authorized to negotiate the late treaty with the Great and Little Osage Indians, and copies of all propositions made to said commission from railroad corporations or by individuals."

A similar resolution was referred by you to this department for report, on the 13th ultimo, and in conformity to the requirements thereof the department, on the 15th ultimo, reported to you full and complete copies of all the papers referred to in the said resolution, which were in its possession or under its control.

Nothing additional upon the subjects referred to in the resolution having come into the possession of the department, the resolution of the 13th instant was referred by the department to the Indian bureau for answer.

I now have the honor to lay before you copy of a letter from the Commissioner of Indian Affairs, addressed to this department on yesterday, together

with a copy of the records of the commission, "showing all correspondence had by it, and all propositions made to it, by or from any individual, company, or corporation, relative to, or in connection with, the negotiation of said treaty."

At the time of answering the resolution of the 13th of June, this record had not reached the Indian bureau.

The resolution is herewith returned.

I am, sir, with great respect, your obedient servant,

O. H. BROWNING,
Secretary.

The PRESIDENT.

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,
Washington, D. C., July 16, 1868.

SIR: I have the honor to acknowledge the receipt of your communication of the 15th instant, stating that all instructions, correspondence, records, &c., in the possession of the department relative to the negotiations of the Osage treaty, have been communicated to the House of Representatives, and enclosing for report a resolution passed by the House of Representatives on the 13th instant, setting forth, among other things, that it is believed a portion of the records of the commission appointed to treat with the Great and Little Osage Indians must have been withheld by me as chairman of said commission, and again requesting the President to furnish to the House copies of all instructions, records, and correspondence connected with the commission authorized to negotiate the late treaty with said Indians, and copies of all propositions made to it from railroad corporations or by individuals.

The only instructions the members of the commission had were those contained in the commissions appointing them to negotiate a treaty with the Osages. It is presumed a copy of these commissions has already been furnished the House, under its resolution of the 13th ultimo. I now enclose a copy of the records of the commission, showing all correspondence had by it, and all propositions made to it, by or from any individual, company, or corporation, relative to, or in connection with, the negotiations of said treaty.

At the time the resolution of the 13th ultimo was responded to, this record had not been received by me. It was then in the hands of the secretary of the commission, who was busily engaged in preparing it, hence it was impossible to have it accompany your report in response to the first resolution.

It is believed that the information contained in this record, together with that embraced in the reply to the resolution of the 13th ultimo, will acquaint the House with all instructions, records, and correspondence connected with the commission appointed to treat with said Indians, also with all propositions made to the commission from railroad corporations or by individuals.

I return herewith the resolution accompanying your communication of the 15th instant.

Very respectfully, your obedient servant,

N. G. TAYLOR,
Commissioner.

Hon. O. H. BROWNING,
Secretary of the Interior.

CAMP CHETOPAH, *May* 10, 1868.

At a meeting of the commissioners appointed to treat with the Great and Little Osages for the purpose of organization—Present: Hon. N. G. Taylor, Colonel Thomas Murphy, Colonel A. G. Boone, and Major G. C. Snow—

On motion of Colonel Murphy, Hon. N. G. Taylor was unanimously appointed president of the commission.

Adjourned.

A. N. BLACKLIDGE, *Secretary.*

CAMP LOCUST GROVE,
(On the bank of the Verdigris,)
May 13, 1868.

Commission met pursuant to the call of the president, all the commission present.

The principal object of this meeting being to determine the point at which the commission would locate permanently, on motion of Colonel Murphy, the place for holding the council with the Great and Little Osages be established at the springs near the junction of the Drum creek with the Verdigris river.

Commission adjourned.

A. N. BLACKLIDGE, *Secretary.*

CAMP LOCUST GROVE, OSAGE NATION,
May 13, 1868.

To the chiefs, headmen, and braves of the Big Hill and Clemont towns of the Osage Indians:

We, the commissioners sent by your Great Grandfather and the Great Council at Washington to counsel with your people, finding a difference of opinion among your people respecting the place of the great council, and finding the camp where we now are too wet and inconvenient for the purposes, have ourselves selected a good place for the council at the springs near the mouth of Drum creek, where we wish all the chiefs, headmen, and warriors of the Osages to meet us in council on important business on to-morrow. In order to get to our new camp in good time, we will be compelled to leave here by 10 o'clock to-day.

Very respectfully,

N. G. TAYLOR,
THOMAS MURPHY,
A. G. BOONE,
G. C. SNOW,
Commissioners.

DRUM CREEK SPRINGS CAMP,
Osage Nation, May 13, 1868.

To the chiefs, headmen, and braves of the Big Hill, Clarmont, and Black Dog bands of the Big Osages.

Your letter of to-day, dated 12th instant, is received, and its contents have been duly considered.

I, your Great Father, with the commission which was sent with me by your Great Grandfather, having found Locust Grove a wet and unwholesome place for a council camp, have selected this spot as every way suitable to hold a grand business council with the whole Osage nation, by and with the consent of my fellow-commissioners.

We have business of importance to transact with you. Your Great Grandfather has ordered us to do it. We cannot wait for you very long. We wrote

you a letter this morning, in which we told you the commissioners had chosen this place for the council, and gave you our reasons. We are now in camp, and well pleased with the ground. We will have your annuity goods here, and some presents for your people, and some provisions for your use. We cannot now well change the council ground, and will therefore await your coming at this place. We are sure you will reconsider what you said in your letter, and come to us. We have travelled many hundred miles to meet you, to take you by the hand as friends, and go into council with you. You will not refuse to come five or six miles to meet us.

To-morrow, at 12 o'clock, we expect to open council. We want you present with us; but if you refuse we cannot help it. We are men and not children, and we are of the same opinion we were of when we wrote to you this morning. I am your friend, and hope you will think over this matter and come to a better decision. I have nothing more to say.

Your father,

N. G. TAYLOR, *Commissioner,*
In behalf of the Commissioners.

CAMP NEAR DRUM CREEK,
Osage Nation, May 14, 1868.

Commission met pursuant to the call of the president. All present except Major Snow.

Rev. P. McVickers, superintendent of common schools for the State of Kansas, being present, made a request of the commission that in making a treaty with the Osages they insert a provision in the treaty reserving the 16th and 36th sections of said reservation for school purposes. Ordered filed for further consideration.

Ordered, That the commission meet at 9 o'clock a. m. each day, until otherwise ordered, and that the council for business with the Indians shall be at 12 m. of each day.

The president laid before the commission a letter from Hon. Sidney Clarke, expressing his views in regard to the proper course to be taken in making treaties with Indians in Kansas. On motion, the communication was filed for further consideration.

The president laid before the commission a letter from S. S. Smart.

Colonel Murphy offered the following preamble and resolution, which were unanimously adopted:

Whereas the commission appointed by the President to treat with the Great and Little Osages, having called them together for that purpose, we find that the rations of food furnished them by Thomas A. Osborn, under his contract, are barely sufficient to feed them while collected at their various homes; and whereas it has become necessary, in order to transact business with these Indians, to collect their chiefs, headmen, and braves together in council at one point, which necessarily takes them from their homes during the pending of our negotiations with them; and whereas these chiefs, headmen, and braves have to be fed while they remain with us in council, and this commission having no funds placed at their disposal sufficient to purchase food for them: Therefore,

Be it resolved by this commission, That the Commissioner of Indian Affairs be requested to direct said contractor, Thomas A. Osborn, to furnish, under his contract, one ration of beef, flour, sugar, and coffee for 1,000 Indians for 15 days.

Commission adjourned to meet at 9 o'clock to-morrow morning.

A. N. BLACKLIDGE, *Secretary.*

CAMP NEAR DRUM CREEK,
Osage Nation, May 14, 1868.

SIR: In compliance with a request of the Osage Indian commission, this day made, you are hereby instructed, under your contract, to furnish immediately a daily ration of beef, flour, coffee, and sugar for 1,000 Indians for 15 days, at this point, and prompt compliance is desirable and important.

Respectfully, your obedient servant,

N. G. TAYLOR,
Commissioner of Indian Affairs.

THOMAS A. OSBORN.

CAMP NEAR DRUM CREEK,
Osage Nation, May 15, 1868.

Council met at 9 o'clock. All present. The provisions of a treaty with the Osages was discussed.

On motion the proposition of Rev. P. McVickers, superintendent of common schools for the State of Kansas, in regard to the 16th and 36th sections of land, was taken from the table, and after due deliberation was, on motion, indefinitely postponed.

On motion the commission adjourned to meet to-morrow at 9 o'clock.

General C. W. Blair, president Missouri, Fort Scott and Santa Fé Railroad Company, appeared before the commission and stated that on the part of his railroad he proposed that it be incorporated in the proposed treaty with the Osages that his railroad have the privilege of purchasing one-third of said lands at the same price and on the same conditions as was proposed to sell these lands to the Leavenworth, Lawrence and Galveston railroad; that if this was done he and his friends would assist in making the treaty; otherwise he would deem it his duty to do all he could to prevent the Indians from making any treaty, and that he knew he had the power and influence to do this. The president of the commission informed him that what he had said would be taken into consideration.

A. N. BLACKLIDGE, *Secretary.*

OSAGE COUNCIL GROUND,
Osage Nation, May 16, 1868.

Commission met, pursuant to adjournment, at 9 o'clock. Commission all present. Father Schoenmaker, being present by invitation, was consulted in regard to his views in relation to the treaty.

On motion, the commission adjourned.

A. N. BLACKLIDGE, *Secretary.*

OSAGE COUNCIL GROUND,
Osage Nation, May 17, 1868.

Council met pursuant to adjournment. All the commission present. The provisions of the treaty were discussed and considered. The president of the commission was instructed to answer the letter of General Blair.

Commission adjourned.

A. N. BLACKLIDGE, *Secretary.*

OSAGE COUNCIL GROUND,
Osage Nation, May 18, 1868.

The commission met at 9 o'clock and proceeded to consider the treaty. The following letter from General C. W. Blair, president of the Missouri, Fort Scott and Santa Fé Railroad Company, proposing to buy the Osage lands for said road, which letter is in the words and figures following, to wit:

SIR: I have the honor to propose to you, and through you to the commission appointed to treat with the Osage Indians for their trust lands and diminished reservation, that the lands comprised therein be required by the United States government and offered for sale in a body to the highest bidder, thus leaving it open to the competition of all companies who desire to purchase the same, and hereby pledge myself that the railroad company I represent will offer for the whole of said lands at least the sum of $2,000,000, giving any guarantee of payment that the government may require, which sum is one-half million of dollars more than that proposed to be paid by the Leavenworth, Lawrence and Galveston Railroad Company.

Should it be against the policy of the government to purchase land except under conditions of immediate transfer to parties or companies who can make the required payments, we respectfully request your commission to create the trust in the treaty for the benefit of our company, we to pay therefor the sum of $2,000,000. I would also state that our company is properly incorporated, traverses the whole length of these lands from east to west, and is in the hands of men of capital and influence.

We propose, also, to accept all the terms and conditions of the treaty, as already drawn and prepared by the commission, and in addition to securing the rights of the half-breeds, protecting the settlers, and making liberal donations for school purposes, changing the treaty only by substituting the name of the Missouri, Fort Scott and Santa Fé Railroad Company for that of the Leavenworth, Lawrence and Galveston Company, for which change we offer more than a half a million of dollars, in addition to the amount proposed by Mr. Sturgis. Our company is composed of and supported by men of large capital and influence, (the governor of the State being one of our directors,) who are able to give all the guarantees required by the treaty, or which may be imposed by the government, such guarantees to be given prior to the submission of the treaty to the Senate for ratification.

I also make this proposition for the purpose of harmonizing conflicting interests and advancing the interests of the north and south, as well as the east and west, national thoroughfare. I am content that the treaty may include both roads, giving the Leavenworth, Lawrence and Galveston Company two-thirds of said lands, and securing to the Missouri, Fort Scott and Santa Fé Railroad Company one-third of the same, being equal in value and extent, and divided by blocks of sections from north to south, two blocks to their road and one to ours, alternately, through the whole length of said lands, east and west; we to take shares by express stipulation in the treaty to our road, by name and on the same terms and conditions of payment and otherwise as are imposed on the other company. All the propositions seem to me fair and just, and the acceptance of any one of these will secure the cordial co-operation of myself and friends in favor of the speedy completion of the treaty by the exertion of all the influence we can command in its behalf.

I am, colonel, very respectfully, your obedient servant,

CHARLES W. BLAIR,
President Missouri, Fort Scott and Santa Fé Railroad Company.

Hon. N. G. TAYLOR,
Commissioner of Indian Affairs.

P. S.—I would respectfully request that this proposition be held and reserved with the papers of the commission for future reference.

On motion of Colonel Boone said letter was filed for future consideration.

At 12 o'clock the commission adjourned to meet the Indians in council.

N. A. BLACKLIDGE, *Secretary.*

OSAGE COUNCIL GROUND,
Osage Nation, May 18, 1868.

At the council between the commission on the part of the United States and chiefs, headmen, and braves of the Great and Little Osage nations, the following talk was had. Hon. N. G. Taylor, president of the commission, addressed the Indians as follows:

MY CHILDREN AND FRIENDS, THE CHIEFS, HEADMEN, WARRIORS, AND BRAVES OF THE OSAGE NATION: I meet you to-day as the messenger from your Great

Father at Washington. He, through me, has called you together this bright and beautiful day, and you have answered; the commission here and myself have come here by order of your Great Grandfather and the people who made him so. The Osages have always been the friends of the whites; that friendship has never been disturbed by open war; the chain of friendship between your people and our people has never rusted nor lost a link, and by the blessing of the Great Spirit, the Father of us all, it never shall rust or never shall break. While we of the present generation live, let us live as fast friends; and when we die, let our children live as friends. Your Great Grandfather at Washington is a wise man, and he loves all his children, red and white, and he wants to see them all prosperous, all united, and all happy. He is the great head of the white man and he is the great friend of the red man; when he speaks it is our duty, all of us, to have our ears open to listen and to obey his counsel. There is a bad spirit and a good Spirit; there are white men and red men that listen to the voice of the good Spirit in their hearts, and there are red and white men who listen to the bad spirit. When I tell you the message that the Great Father sends you, bad men and the bad spirit will tell you not to listen, but good men and the good Spirit will tell you listen and obey. We come to tell you what your Great Grandfather wants you to do, that you may live and flourish and become as happy as your white brethren. He says there was a time once when the Osage and other Indians could afford to be idle and follow the chase, for then you could find plenty of game; these lands of yours were once covered with plenty of buffalo, elk, and deer, but you look in vain for game now; here and there you may find a single deer. When you could shoot the deer and antelope within a half a mile of your lodge, then the Osages could afford to be idle. But now there is no game near; buffalo, elk, and deer are far from you and fast disappearing. You love your wives and children, and it is your duty to protect and care for them so that they may live and not die. If you do not get the means upon which they can live they will die; but if your game is all gone, how can you provide the means? There is but one way left, that is for you to labor. I said the buffalo were disappearing; you know that all the people who depend on buffalo for a living are disappearing like them. Fifty years ago there were three Osages living where there is one now. Fifty years from to-day in the future all those who depend on game will have nothing to live on and must die. Now, while you have been getting smaller the whites have been getting larger. You were once manly and large, but now you are few and small. The whites were once small and few, but now they are great and many. Now I ask you, every one of you, what is the reason of this difference? I will tell you the reason: the white man digs in the earth and makes his corn, wheat, rye, and everything that is good for man and beast; he raises hogs, sheep, cattle, and horses. Now your Great Grandfather wants you to settle like white people, labor and live like white people. One of your chiefs, last fall, when we were at Medicine Lodge creek, told me your people were rich in land and poor in everything else.

Your Great Grandfather sees your homes in a State, this State of Kansas. In a State the governor is the immediate ruler; in a Territory your Great Grandfather is the immediate ruler. The people of the States are troublesome; they trouble you, and it makes your hearts sad. Your Great Grandfather has looked down upon you here; he sees this trouble getting thicker here; he sees that the Osages will not be contented while they live in the neighborhood of the white people; but he has set apart a large country immediately south of you; a large country, good land, water, and timber. There are many tribes settled upon it now—Cherokees, Chickasaws, Delawares, &c.; there are many other tribes going there; the Great Father intends to send them there; to give them money and means to cultivate and build like white men; and when they

get ready, he intends they shall have a State of their own, and send their councilmen to Washington. Your Great Grandfather wants you, the Osages, to become a part of that country, and part of that State; he wants you to sell your lands here to the government, and select your lands there, and move out of the State into the Territory; he proposes, therefore, through us, to offer you a treaty, the general outlines of which are as follows:

1. Osages sell all their lands in the State for not less than one million five hundred thousand dollars. After deducting from this sum an amount sufficient to purchase their new home in the Indian territory, removing them thereto, and settling them thereon, the remainder shall be invested in United States registered bonds; the interest on which shall be paid to them semi-annually, and will amount to, including the present annuity money, not less than seventy thousand dollars a year, perhaps to eighty thousand dollars.

2. The government becomes the purchaser, and in the treaty proposes to permit a railroad company or companies, as the case may be, to become the owner of the lands by paying for the lands the same amount agreed to be paid by the government to the Indians therefor. Details are found in the project of the treaty.

3. The government proposes to purchase a new home for the Osages in the Indian country, or to sell them lands it already owns at the cost price thereof. The commission desire you to consider and inform them where you wish your new home in said Indian country to be located.

4. It is provided that an agency building shall be built at a convenient point in their new country, and the agent required to live with them. It is also provided that a physician's residence, blacksmith's house and shop, school-house and church, and mills shall be erected at the agency, and that a physician, blacksmith, miller, and teacher shall be employed for their benefit, and reside at their agency.

5. The treaty provides for the payment to the nation of thirty thousand dollars on account of failure of government to keep up mills for ten years, under the treaty of 1839, and to furnish them stock, agricultural implements, wagons, &c., according to said treaty.

6. Treaty also provides that after reimbursing the three hundred thousand dollars advanced for the thirty by fifty miles strip of land, and for surveying and selling the same under the treaty of 1865, the balance arising from the sale of said lands shall be applied to the Osage school fund, instead of going into the general civilization fund, as now provided in said treaty.

7. Treaty also provides that the half-breeds shall have equal rights with the full-bloods in all the benefits of this and all former treaties, and shall have a voice in national council. It also provides a stated yearly salary to be paid to the chiefs and councilmen of the nation, and provides a premium or reward to each individual of the tribe who shall settle and improve lands. There are details and particulars which will be submitted to you for consideration as soon as the Commissioner shall have prepared them completely.

The above is an outline sketch of the treaty we propose.

One other point from the Great Father. The Great Grandfather loves all his red children, and he wants them to love one another and to live at peace. He has heard that there is war between the Osages and Arapahoes and Cheyennes. He is unwilling for his red children to kill each other or to be killed by one another, but he wants them to live like brothers. Tell him the leaves of the trees will fall themselves in autumn; why then destroy the beauty of the tree by plucking them off? Tell him that all mankind will die away soon enough; why then butcher one another? There is room enough in the world for Arapahoes, Cheyennes, and Osages. I have already told you that a few years ago you were many; now you are few. The same thing is true of the Arapahoes

and Cheyennes. Why then destroy each other and make this remnant less? Why then not make peace and be friends forever? Tell them this commission and I am sent out by their Great Grandfather to make peace with his red children. Tell them I understand that there are difficulties among themselves; that I and the Great Grandfather are sorry for these difficulties, and this commission are sorry for them, and want these divisions to heal and harmony to prevail. They know that the Great Grandfather has the power to settle all these difficulties. But tell them they are good men, wise men, and brothers, and I want them like brothers to settle those difficulties among themselves; but tell them I am ready to council with them after this business is done. I love them all alike and I am willing to counsel with them. I have delivered the message from the Great Grandfather and am done; tell them that they come from an honest heart, and I want them to consider it among themselves, and then I will consult in making this treaty. I don't want to conceal anything from them, and if there is anything they do not understand I will explain it to them, and have copies made out and given them.

OSAGE COUNCIL GROUND,
Osage Nation, May 19, 1868.

Council met pursuant to adjournment; all the commission present. The provisions of the treaty were discussed and considered. The president of the commission was instructed to answer the letter of General Blair. Commission adjourned.

A. N. BLACKLIDGE, *Secretary.*

OSAGE COUNCIL GROUND,
Osage Nation, May 20, 1868.

SIR: Your communication of the 18th instant, addressed to me as Commissioner of Indian Affairs, making various propositions in reference to the purchase of the Osage lands, was received and laid before the commission.

I am instructed by the commission to reply that for various reasons, satisfactory to it, neither of your propositions are accepted.

With sentiments of high personal respect, I have the honor to remain, your obedient servant,

N. G. TAYLOR,
President of the Osage Commission.

General C. W. BLAIR,
President Missouri, Fort Scott and Santa Fé R. R. Co.

OSAGE COUNCIL GROUND,
Osage Nation, May 20, 1868.

The commission met at 9 o'clock pursuant to adjournment; continued in session considering the treaty until 12 m., when the commission adjourned to meet the Indians in council.

A. N. BLACKLIDGE, *Secretary.*

OSAGE COUNCIL GROUND,
Osage Nation, May 20, 1868.

The commission met the Indians in council for the purpose of reading and explaining the treaty to them.

As I promised you, I have come with the treaty to have it read and interpreted to you; in order that there may be no misunderstanding we have engaged these three men to interpret, that there may be no mistake. The treaty is long, and will take a good deal of time, and will require patience of you all to hear. We want all the people to hear it now, so that none may misunderstand. After I have read it, and it has been interpreted, I shall give it to your superintendent to go with and fully explain it to you. After this meeting of the council all future meetings will be private, and no whites will be admitted in the council. The commission and myself have come here by order of your Great Grandfather. The government is your friend, and would not advise you to do anything that was not to your interest. We are a long way from home; have been with you a good while; have much to do with other Indians. I have delivered my message, and now deliver this treaty into the hands of your superintendent; he will explain it to you; when you have examined it, let us know, that we may go on; and when you get this treaty fixed, we are then ready to hear anything you may have to say. As to difficulties among yourselves—you are all men, and I wish you to settle all your matters among yourselves. If you cannot, and present the matter to me as the representative of your Great Father, I will take the responsibility of doing right. After this work is done, I have a little something to make your hearts glad in the shape of presents.

The treaty was then delivered to Alexander Beyette, the United States interpreter for the nation, with directions that it should be kept and read and explained to the chiefs and headmen by him and Lewis Chenton and Augustus Captain.

Commission adjourned.

A. N. BLACKLIDGE, *Secretary.*

OSAGE COUNCIL GROUND,
Osage Nation, May 21, 1868.

Commission met pursuant to adjournment; commission all present. On motion, Colonel Murphy was ordered by the commission to buy twenty-six head of cattle to feed the Indians while in council, which motion was adopted, and Commissioner Murphy was instructed to make the purchase.

The president laid before the commission the following letter:

OSAGE NATION, *May* 20, 1868.

SIR: As it is anticipated or feared that representations may or have been made to your commission that the Missouri, Fort Scott and Santa Fé Railroad Company is irresponsible or unable to furnish to the government the proper guarantees of payment in case they acquire any or all of these lands by treaty, I have the honor to propose to you as security for such guarantees as may be required, the bond of S. A. Williams, B. P. McDonald, and C. F. Drake, who are worth over $100,000; or I am willing to give you lien on the ground as collateral security for such guarantees, or the draft of the banking house of A. McDonald & Brother, on New York, for the sum of $50,000. This security is offered as a pledge of our entire good faith, as well as our ability to comply with any conditions of payment which may be imposed on our company, in case such lands are granted to it.

Very respectfully, your obedient servant,

CHARLES W. BLAIR,
President Missouri, Fort Scott and Santa Fé Railroad Company.

Hon. N. G. TAYLOR,
Commissioner of Indian Affairs.

Which was read and ordered filed, and the following preamble and resolution was, on motion, unanimously adopted:

Whereas it is the duty of the commission, in negotiating a treaty with the Osage Indians, in providing for the sale of the lands therein proposed to be pur-

chased from said Indians, to conform its action to such stipulations as will most largely promote the public interest of the United States, of the people of Kansas, and of the Osages;

And whereas this commission are fully satisfied that the Leavenworth, Lawrence and Galveston railroad proposes to connect by an almost direct line the Missouri river at Leavenworth with the Gulf of Mexico at Galveston, to pass through the entire width of the Indian territory, the future home of the Osages, and to bring it into close proximity to the north and south, and by its lateral connections to bring it into intimate relation with the east and west, thereby more fully and more certainly promoting and securing the public interest aforesaid, than any other corporation proposed;

And whereas said Leavenworth, Lawrence and Galveston Railroad Company has already constructed, equipped, and is now running successfully thirty miles of its road, has offered satisfactory guarantees in thirty miles of road finished, in its stocks subscribed, in its franchise in hand and prospective, in its capital and credit, and in the very necessity which must compel the early completion of its road, that it will rapidly prosecute its great enterprise to completion: Therefore,

Resolved, That in the proposed treaty with the Osages, the said Leavenworth, Lawrence and Galveston Railroad Company shall be permitted to purchase said lands upon such conditions and under such restrictions as the commission may in said treaty stipulate.

On motion, the commission adjourned.

A. N. BLACKLIDGE, *Secretary*.

OSAGE COUNCIL GROUND, *May* 23, 1868.

Commission met pursuant to call of the president.

On motion, it was ordered that Colonel Thomas Murphy be instructed to purchase 42 sacks of flour for the use of the Indians during council.

On motion, the commission adjourned.

A. N. BLACKLIDGE, *Secretary*.

OSAGE COUNCIL GROUND, *May* 23, 1868.

Commission met the Indians in council, for the purpose of discussing the provisions of the treaty.

SPEECH OF TWELVE O'CLOCK.

MY GREAT FATHER: I want to speak a word with you. I am not a man of great respectability; I must say this. You have been sent out here by the Great Father, and we think you are honorable, respectable men. We have all heard what you have said. There is a Great Father above us all, and when I shake you by the hand, I shake with Him. There is a slope on the north ceded to the government in trust, and now the white man gets it. How is this? You have made me a chief councillor. I have advised our people to let the property of the whites alone. But the whites are holding property of ours. You say you have a good heart. I have the same. I now come to the point. One of our chiefs went out to the council on the plains, and I went with him. From that time, in 14 days, the Arapahoes attacked us, and two of our women were killed, also two of the young men, and our property and houses were taken, and we are poverty-stricken. Still I tried to make peace, and dropped the knife, (striking his knife upon the ground.) You see that tree; at that distance they shot at me, and I had then taken no revenge against the enemy.

Here are our warriors and braves, and they recognize me as a warrior and brave. I'll tell you what I want done. We want to know what has been done with the annuity heretofore sent to us. If the agent would bring it correctly, all would be well; but we doubt whether he brings it, and we think he pockets a good deal of it, (putting his hands in the agent's pockets.) I wish always to be a friend of the whites. Our fathers never fought your fathers, and we do not wish to violate their faith. Now I am not mistaken as to our agent, and I want you to reflect well for the benefit of our children, and give us a good man for agent.

SPEECH OF CHE-TO-PAH.

It has been the wish of our chiefs and headmen to have you present, so they could see you when you got before them. They wish to make everything good and have a full understanding. The Great Father having sent for us to visit him at the great council-house, through our agent, after that our head councillors and headmen would listen and comply with his wishes. Therefore the chiefs and headmen desired to see you before them, and you being present, we do not wish any misunderstanding.

It is you, the officers of the government, that have given me the privilege to be a councillor. I can say this myself, that I have advised my people to be good and let the property of the whites alone. We have our women and children, and I want to see whether our Great Father has said anything to keep them down. I am now going to come to the point. One of our chiefs went out on the plains, and I accompanied him, and we saw the superintendent there. In fourteen days the Arapahoes attacked us; two of our women and two of our young men were killed, and at the same time our property and horses were all taken from us, and I have nothing for supper. In obedience to the Great Father, when they made the raid upon us, I dropped the knife (here throwing his knife upon the ground) and done nothing. Of course, with the advice of the Great Father, I have stood still, and I have only got my blanket, and have not taken revenge against the enemy. Here is our people, braves and warriors. All of them think I am a brave man and a warrior. I have something to tell you this morning. I must tell you what I have got to advise; it is better for me; we want to understand what is the annuity sent to our agent here. If the agent brings our annuities, and would bring our annuities correctly, all would be right; but we fear he pockets some of it. (Here he stepped up to the agent and put his hand into the agent's pocket.) I have an anxiety to be right in selling this land—this has been the result. Eight seasons ago we ceded a portion of our country to the Great Father. Here is the Neosho river; they agreed to give 30 miles; they have given 30 by 50 miles on that end. We got the annuity into our hands, but it does not do any good. The Great Father sends us our goods, and when they are distributed some of the bands—one-half of them—do not get anything.

You can go up upon our lands and see the white settlers, and see them all doing well and receiving the benefits of our land. We get pay from our Great Father, but it does us no good and we are not satisfied. We have ceded 20 miles in trust. When will we get paid for those lands? We acknowledge we have ceded that land to the Great Father, but now I will say this in regard to our Great Father. It appears that he has disrespect for our lands and ourselves. Now you are in the presence of our braves, and warriors, and women. I told you in regard to these lands things that are unsettled, and we desire you to explain to them (our head men and councillors) how those lands are to be settled. You are the Great Father here before us, and we depend on you to do justice and make everything smooth. You have laid before them a great matter, the treaty. We will be silent on this and let the braves and warriors attend to it.

SPEECH OF HARD ROPE.

You are gentlemen of high standing and have been here several days, and on the business you have come for the chief councillors and headmen have come to no decision.

In the last six years we have treated away the Neosho country and 20 miles from the north side. We are here looking for the pay for that land, and you have come for more land. You are respectable men, and wish you would do right to our people. On the top of the old treaty you ask a new treaty. If you talk straight to our people they will be good. When we see good propositions we accept them, and if we think yours good will accept them. You have arrived just when our nation was in the midst of excitement. We have many matters of our own that we have to study upon. There are many bad red men on the plains. Our young men and warriors are all turned in that direction. When those difficulties are settled our people will act upon your propositions.

SPEECH OF NO-PAH-WAH-LA.

My Father: We, the chiefs of the Osage nation, believe and know you were sent by the Great Father at Washington. It is in your power to conduct all your business in good order with your red children. We have understood you have been with other tribes, and must have treated them well and settled their difficulties. Our forefathers in Missouri used to own that country, but have sold out and diminished it until we are here where they have diminished the country. I am in doubt that we do not get the correct amount of annuities. The Great Father may desire to do well, and do justice, and send all our money, but before it reaches us it shatters out.

SPEECH OF BIG ELK.

Now, my Father, you have been with us many days, but we cannot decide the matter among ourselves. This, I think, is the idea of the chiefs, warriors, and headmen.

SPEECH OF WAH-TI-UM-KA.

Great Father, Commissioner, Superintendent, and all Headmen: It was my desire and wish that you would come. Our chiefs have made many treaties, and I think there was something wrong in those treaties. This talk I wish all our young men, women, and children to hear. Our old chiefs sprang up in the east at the rising of the sun. While they were weak they met the white man and made a treaty of peace with him, and the Great Father took the Osages by the hand, and he saw they had land and traded for it. Our forefathers at that time knew not of the difficulties that would occur in the future. Since that time, at Fort Gibson, we made a treaty with the Great Father. At that treaty the Great Father provided annuity goods for 20 years, and the Osages paid $3,000 for depredations committed, the government promising to reimburse the Osages. That sum we wish to be reimbursed to us. We desire as a free people to locate ourselves as we desire. The plans we have studied upon we think are right. We do not hate the ways of the white man. I have a word with regard to Father Schoenmaker. The government placed him there for 20 years to educate Osage children, but we do not see any benefit from that mission; and we wish him peaceably and friendly to quit. I think there are red men among us who can read and write, who can teach our children, and we want to try them for some years. We agreed to pay him three sections. Two ought to be given back to the Osages. The lands of the 20-mile strip we wish placed direct into our funds, to be expended as we see fit.

You now tell us that the Great Father has something to say about buying our present reservation. We will get together and give you our views on it at some future day.

SPEECH OF KOU-E-CE-GLA.

I am here to talk in open daylight. We are in council as our fathers met. Our ancestors owned all the country back at the east. You may think I am excited in speaking, but I will tell you the reason why I speak loud. When the white men first had a talk with us my grandfathers met with them. From that time all that met them were allowed to talk to the Great Father. To look at you, you seem to be moderately old like ourselves, and we have, from the time we took the Great Father by the hand been accustomed to have great talks. Our people when they meet men of your standing ask them many things and fail. Five days have gone in consultation, and we are not able to come to any determination in reference to what has been done in the late treaty. At that time the commissioners were present, and I spoke to them after the treaty was concluded. I wanted to know what they done with all the land we give you. Colonel Smith told me the annuity was lasting, like the land, forever; that was the request of the Great Father, and he has been anxious to see that pay come to them here; that pay has been promised. I would like you to witness the payment they have received; some of the payments. I have never seen any man get a sack of flour with the money; they get from one to two dollars. When big man like you comes and says you are a small tribe, and look upon us in that light, while I am here on our own lands. We have witnessed payments to tribes that have no lands; should get so much. You have been here long, but to-day I am prepared to stand and talk to you; heretofore our old fathers have never acted in this way. You have come to us with business, and after we can find out among ourselves we will give you a decision and comply with your requests. I don't want you to get out of patience. Heretofore we owned the Neosho river and this; now the whites have settled up the country. We have our diminished reserve, and you have come to deal with us for that; of course, we have sold a portion of our country east, and want to remain, and money that they promised us in that treaty; here in this treaty made, we want that money brought here and paid to us, and then we could act otherwise in regard to the diminished reserve. We will take time and talk hereafter; that is all.

SPEECH OF WAH-HO-TAH-SHE.

You, commissioners, superintendent, and big men, I consider that you have into a bad council. The talk is discouraging, but I want to say what I have in view. The Osage council here is just like dirt. I think you are a good-hearted man to sit here so long and hear such stuff. We have made our complaints to the Great Father and our agent, but they have not been recognized. My chiefs own all this country to the Spanish land. I have been over it all, and have not seen any good of it.

SPEECH OF DRUM, (Big Hills band.)

Our young men understand what the Great Father has said. Our young men owned a tract of land here, and they are fully aware of it in the last four days. Our young men are aware that this land is in the bounds of a State. You have said the Great Father said I would be happy; his young men say they cannot see why their condition will be better than it is; they have heard the great talk of the Father. Our young men are fully aware that the intention of the Great Father is to make slaves of our children his young men are fully aware and acquainted with the disposition of their chiefs. They fully understand that

they have lost their country. Our chiefs have transacted business unbeknown to our young men; they have a chief to preside over their children. The young men say the chiefs do not study the interest and welfare of our children. We are aware the chiefs study for the welfare of the Great Father. Those chiefs have placed the white children of the Great Father on these lands, and the white children are not suffering. I will say no more.

SPEECH OF WHITE HAIR, (head chief.)

Father, I have heard of you as respectable gentlemen coming across the land to us here. We have decided last evening that we will talk in regard to the land already sold. It has not been five years since we handed that land over to the Great Father. Commissioners, like yourself, told me the money for that land should be expended in farming implements; the commissioners at that time promised that all the promises should be complied with. A few years after the promises have been made smaller. One hundred thousand dollars was promised him to be kept by the government, the money was to be placed in the treasury, and the interest applied in purchasing farming implements. He told the commissioner he would put down the names of all the Osages that wanted to farm, and he would demand the tools they wanted; he requested the commissioners that the proceeds of that land should go in the way of farming, and they intended to settle down on this land and live here. I have understood the same in that way, and that land that I have depended on you have covered over, and you have told us you have a good heart, and if you have, I want you to have those things got for them. (Looking towards the wild buffalo,) that country is getting very narrow. We have a small tract of country belonging to us, and he wants this country cultivated and do well. My forefathers have done a good deal in raising up their children, living, upon the lands they have sold. We have done a great deal for our Great Father—give him great deal of land for his white children. I have told you I have taken a great interest in the Great Father, and I think he ought to do something for our interest; the Great Father ought to take things into consideration and do all he can for his red children. My young men and braves often scold me for neglecting them. My Father, it is true in regard to what they have said; even the pay they get don't do them any good. At the time they made the treaty there was a man like you, and I will tell you what he promised The commissioner told me I was to get $1,000 given to me; then the interpreter reported to me that this money was $1,000 each for the chiefs. When this was told me I considered the chiefs would have a good deal of money to divide with the young chiefs, and the proposition has been denied. There has been great promises made to us. You are here now before us, and it may become the same thing. In regard to any promises you have made, when we come to any agreement, to a point, we have no voice in it, but all from you. I have another trouble on my mind. It is short. I want to tell you at that time when the treaty was made we had Mograu; he was interpreter; they promised him $500; after that they came together at council, and decided they did not know why this money was given to Conville. I think this money was misplaced, and I want to know where this money is. If it has not been attended to, he wants it put in its right place. There are some of our half-breeds who have been among the whites the last year. Now I want this matter settled and let them come home. Now, my Father, I want you to attend to this matter and see that they have the land. Now, my Father, I want you to take an interest in those half-breeds and see that they have their rights.

SPEECH OF FORKED HORN, (of the Little Osages.)

A fine, beautiful day you and the headmen of our people are seeing. You have met our people face to face. I wish that what you say to each other is

true, and that you talk truth to each other. That gentleman (meaning White Hair) is the man that has sold our country or a portion of it. When White Hair has a half-breed interpreter, for he had him employed for him when they got together in council with the commissioner, they met each other and transacted their business so they understood it. Our people have been talking for several days, and have picked on this day to talk to you. The promises made at that treaty was that the annuities should be forever. The commissioner told him the business they were transacting should be perpetual—same as the water runs in the Neosho river. And the money that was promised for the land, he does not understand, and they are dissatisfied about it. Before these promises have been complied with, why should it be covered over and new promises made to them. His people are here in council, weeping and crying, and wishing to get what is promised them. They do not wish their chiefs to make any such treaty as they have made, and when you hand out the pen he don't want them to touch it.

SPEECH OF NO-KAH-KAH-HE.

MY FATHERS: You are here in this company. They were in council like they are here, and many desired you would come to see them in their own country. The young men, braves, and warriors are ignorant of the business, and for that reason wish you to inform them. Lately there has been a treaty made. The main trouble was this: that there was some money on the treaty before the last that had not been paid, and for that reason they wanted you to come. I would like to have you restore those things; then the young men will talk to you on other subjects. In the treaty, articles first and second, the people are talking on that and wish to get that treaty completed, and after that treaty being completed with them they can take the money and go to work as the Great Father has wished them to do. I desire to see these things executed immediately, and that is all about that subject. They will have to put it off until some other day to speak to you on that subject.

SPEECH OF ———, (did not get the name.)

MY FATHER AND COMMISSIONERS: You have come a long distance through the white people's country to this place. After you have come here, and are men of respectability, I have something to say to you. To-day you see our people are calling up all back claims. You see our young men all around. Here they are not educated; they cannot write, they cannot read, and we wish you to attend to that for them. They are aware that the government is owing them some, and they wish you to explain these things so they can understand it. In regard to the 20-mile strip, and hearing how it was to be disposed of, he says they will not realize the benefit of it for a long time; that the proceeds of that land shall be placed into their annuities and they get the benefit thereon for the benefit of their women and children. They wish that the plans they have made be complied with, and his people will not afterwards study how to dispose of it, and they will study on the proposition you have read before them, and after they have studied you will hear from them.

SPEECH OF COMMISSIONER TAYLOR.

CHIEFS, HEADMEN, AND BRAVES OF THE GREAT AND LITTLE OSAGE TRIBES: Sent by the Great Father, these commissioners and myself have visited your country. We met you several days ago in council. We here take you by the hand in friendship and love. We brought you and delivered to you the message of your Great Father at Washington, and have told you the truth from the beginning. I will tell you the truth to-day. Your Great Father is a man, a man without deceit.

He thinks long and counsels well before he speaks, and when he speaks he means what he says. I delivered you that message faithfully. In the first place I made you a speech and gave you an outline of what the Great Father wanted. I tried to write it plain. Then I wrote the message down and had it interpreted to you. I tried to write it plain, so that everybody could understand it. Then I read you the treaty and had it interpreted word for word, and tried to make you all understand it word for word. I am sorry if I did not make you understand it. I showed it to your interpreters, and you have had it for three or four days, and we have waited patiently until now. You said this morning that you wanted to talk and have some explanation, and we are glad to see you this bright and beautiful day, and have listened to all you had to say, and were glad to hear you speak your mind freely. It is very difficult to take up each one of your speeches and examine it separately, because that you take up more than a day. But I will try and gather up all those speeches in a bunch, and try and speak upon the main points you want to hear me upon. Many of you complain of former treaties. Those treaties have been made, some of them a long time ago. It is not every time that a man makes an equal bargain when he trades Sometimes he makes a mistake when he get his wife. If a bad treaty is once made with a tribe, try and rectify it. The nature of a treaty depends much upon the men that make it. But when it is made it is a treaty, and stands as long as the two parties keep it. If the treaties heretofore made were bad your Great Father sees it; and if made wrong, as I believe it was in 1865, part of the business of this council is to make it right. By the treaty by which the 30-mile strip was bought it was agreed that the government should advance $300,000 to pay for the same, the interest to be paid to the Indians in annuities, $15,000 per year. What is the basis of your annuities to-day? After the money was invested the lands were to be sold, and from the proceeds the government was to be reimbursed. But if the lands should bring more than the $300,000 the surplus was to be put on the general civilization fund. If there was any wrong done it was in taking the Osages' money and appropriating it to the general civilization of all the Indians. But that is the treaty as it abounds, and as long as it remains so will the money be expended. But how is that wrong to be righted? The same parties who made it must rectify it—the Osages and the government. If you understand the proposed treaty, we propose to take this money back and put it into the Osage school fund. Some of the speeches object to putting it in the school fund. Your Great Father is a wise man and thinks that is the best use could be made of it. But this commission can agree with you to take a part of it for annuities and part of it for the school fund. So you see that a new treaty is necessary to fix that up. The next point I will examine. By the treaty of 1865 the 20-mile strip was to be sold in trust for the Indians. The expenses of the survey were to be paid out of the funds of the sale. Then the government was to sell to settlers at not less than $1 25 per acre. But the lands could be sold only as they were settled upon, and consequently the pay to the Indians must come in very slow. Much of this land at the west is very poor, and part of it will not be sold for a hundred years. Consequently we say to you that it is a bad treaty for you. But it is a treaty binding upon both parties. How can it be changed? Only by the parties coming together and making a new bargain. Your Great Father does not want to keep you out of your money, and hence he wants to make a new treaty. If your Great Father wanted to do you wrong he would say you must abide by the old treaty. But he is willing to make a new bargain, so that you may at once have your money.

Some of the speakers have said that the Osages once had a large country, and now the whites want the little they have. You were then great in numbers and wanted more land. Now the whites are many and want more land. When the Osages had 13,000, the whites had 4,000,000; now the Osages have 3,500

and the whites have 40,000,000. Hence the whites have to buy land, because they increase so fast. Some of you say you do not want to sell this land. You say you are a free people, and that is true. So are we. But you have your chiefs and council who govern you, notwithstanding you are free. So it is with us; we are free, but our governor and council govern us, and the President is the great head chief and governor of us all. One of your orators said the Great Father wants to enslave you. He is mistaken, for he has just freed 4,000,000 slaves. He knows and loves his red children too well, and wants to make them prosperous like the whites. But you ask, if he loves you, why does he want to get you off those lands? I will tell you. He sees that your home here is within a State. He sees that the people of this State are governed by the governor of the State. He sees that the governor and the whites want those lands, and if they do not get them by treaty, they go and settle upon them. But why does he not send his warriors and drive them off? If he should they would return, and many more of them. Because he does not want to turn his warriors upon either his red or white children. So he says to you, I will furnish you a better home in the Indian territory, and buy you lands there and pay you interest on the same in annuities forever, so that they may always be comfortable. This is the bargain made you by the old treaties; right; buy you a new home and have your pockets full of money. If you sell, you move down there where you like, if it is not already occupied, say between Arkansas and the Canadian. But if you like the country west of the Seminoles the government will sell you that at what it cost us, 15 cents per acre, or you can take a portion of what was bought of the Creeks. After paying for your new home, expense of removal, &c., you will still have about $1,400,000 in the treasury, counting the $300,000 already there. Add to this the loan due for the 30-mile strip, and you have about $1,500,000, the interest of which, an annuity of $75,000, to be paid in semi-annual payments forever. But if you fail to make this treaty it will make the heart of your Great Father sad, because he knows it to be for your interest, and he has sent us here to make it. He will think that you believe you can get along without him. Suppose you remain; the settlers would crowd upon and occupy your lands. For all the provisions he has sent you in the last three months he has not charged you one cent. If he desired to make you slaves, would he feed your wives and children? If he gets displeased he might not send you those provisions. Where then do you get your living? From the buffalo on the plains? But you are at war with the Arapahoes, and when you go to him you will save the fight for the buffalo. I told you the truth. I took no advantage of you. Take what I have said to you, consider it well, and ask yourselves if it is not wise to make this treaty as he has offered to you.

If you make this treaty now, you have the choice of the lands in the Indian territory. If you postpone the making of the treaty other tribes will select their homes, and you will be compelled to take up with poorer lands.

REMARKS OF COLONEL THOMAS MURPHY.

My Friends: I believe you are tired, and I have no desire to make a speech. But as your superintendent I wish to say a few words on these important matters. You claim that injustice has been done you in the late treaties. Then the only way to remedy those injustices is to form a new treaty. If the officers of the government who made them with you did you injustice, you must not lose confidence in all of the officers of the government. You say that the way provided for the sale of the trust lands does not inure to your benefit. Then let us devise another way for their sale, by which you will be immediately benefited. You say that you should be recompensed for the failure of the government to supply you with mills and agricultural implements. If we make the new treaty you will be fully reimbursed. You complain that your annuities

are small. By the new treaty you will get five times as much annuities as you are now receiving. Instead of five wagon loads every six months, you will get twenty-five loads.

You say that you are at war with the plains Indians. But if this treaty is made, we shall go at once to make peace between them and yourselves.

White Hair asked us to do something for his children. This is what we are here for; and if you will come like men and make a treaty, we can help you; but if you do not we can do nothing for you. We have been here too long a while, and you ought now to have your minds made up.

REMARKS OF COLONEL BOONE.

The commissioner and superintendent have explained away all the difficulties as plain as you can see the leaves on the trees. They are good men, and are interested only in your welfare. You now have your choice; you can select from the rich land in the Indian territory, or you can fight the plains Indians.

Commissioner Boone then referred to his long life among the Osages, and urged them to make a treaty so manifestly to their interests. He also urged them to make peace with the plains Indians.

REMARKS OF WHITE HAIR.

We have listened with patience to your good talk. My young men have heard it. It is worthy of our consideration, and we will meet in council to consider it.

The council then adjourned.

A. N. BLACKLIDGE, *Secretary.*

OSAGE COUNCIL GROUND, *May* 24, 1868.

SPEECH OF WAT-TI-NU-KA.

MY FATHER AND COMMISSIONERS: It has been three days since you made a proposition to us. I said to you yesterday that the Osage Indians had resided in Missouri. The Osage tribe of Indians resided in Missouri from that time. The Osages have always transacted business with the Great Father, and have done it honorably and fairly since the time the Great Father had taken them by the hand. They had made treaties, but they did not know what would become of them. In the last few days you told us you had talked with open hearts. To-day our chiefs all of them have desired to give all into the hands of the counsellors and braves. I have told you our forefathers have never taken any interest about themselves.

Now we have a small strip of country, and you have told us our Great Father wished to trade for that. We have told you what our wish was in regard to our land we have ceded in this way. In the old treaty we ceded 20 miles and have come to the conclusion to sell five miles more. You can see why we cede so much land. We hope that the Great Father will do well by us. Here is the final conclusion, for we will ask the Great Father $1 per acre, and that would be reserving 25 miles, and we wish the Great Father to move that 25 miles over the State line into the Indian territory. This is all.

SPEECH OF HARD ROPE.

We have met the commissioners here for several days in our own country, and it has been several days, but they could not come upon a point until to-day. The council have told you what our conclusion was; of course they will all follow the same conclusion.

SPEECH OF CHE-TO-PAH.

You have been here several days to-day. We have come to a conclusion, and you have heard it. The chiefs have given all into the hands of the counsellors and braves.

SPEECH OF NO-KAH-HE.

You are respectable men; therefore we meet you here in our own country. You have been here several days. They have given all into hands of the braves, and we have told you.

SPEECH OF KONEAGLA.

I have told you that you are respectable and honorable men; that we come here. I have told you the Great Father took the Osages by the hand, and done it with a good intention. I have also told you that the Osages at one time owned most of this island, (meaning the continent of America,) and since that time the Great Father sent men out to transact business with them. I told you also that the old chiefs were careless in regard to their country. It was our desire to come and tell you what we have told you to day; and we rely on you. Your position is high, and we hope you will do something for us. You have heard what we had to say, and that is our opinion.

SPEECH OF WASH-A-TIS-IA.

MY GREAT FATHER AND COMMISSIONERS: For the last four days you have given us the talk of our Great Father. We have agreed that we will give you our talk.

SPEECH OF COMMISSIONER TAYLOR.

I am glad to hear from you. It begins to look like business. When I learned that the chiefs could not agree and had concluded to leave the business to the headmen and counsellors, I thought we would be able to do business.

When our headmen cannot agree we leave it to the people. We have come much closer to an agreement than we were yesterday. On yesterday some of you thought you ought not to sell at all. Some thought you might sell a part. To-day your braves, chiefs, and warriors have agreed to part with all of it. This takes all the questions out of the way except one. We want to buy and you are willing to sell. Now we come to the question of the price to be paid. I am glad that your people have begun to look into this business yourselves. The parties to a trade ought always to look into their interest before making a bargain.

Your fathers have been too apt to let one side do all, and they agree. When a man wants to take your horse, and you tell him to take him at his own price, he will take him at less than his value. But however careless you people have been in the past, I am glad they are beginning to look to their own interest; for this looks like you would take better care of your children than your forefathers done. Of you the only difference is to the price of the land. If we agree on that, the treaty is made; for all other points are small points that we can agree upon.

You say you ought to have $1 an acre for 25 miles more. Now let us see whether that is right, for right ought to govern. If that land is worth $1 you ought to have it and we ought to give it. There is about 4,000,000 acres; that would make $4,000,000 dollars. You know that two-thirds of that land would be dear at five cents per acre. When you get north you come to the sand-

hills and grasshoppers, and for ploughing it is worthless. There is no timber nor water. On the eastern portion, say one-fourth along the streams, there is good land and good water and some good timber; and these good lands along the creeks are valuable, but on the high lands, away from timber and water, they are worthless. When the government buys the lands, the only lands that will sell are the lands along the streams, and the highest price he sells these lands for to his white children is $1 25 per acre; and he has to sell the good land for $1 25 to keep from losing so much where he buys so much. It is impossible for us to give $1 25 per acre for that strip of country; but we have in this treaty proposed to take the trust lands, good and bad, and put them all together. The government, not long ago, bought a tract of land, larger than Missouri, Arkansas, and Kansas, for less than two cents per acre, of a white nation—Russia.

You propose that the Great Father give you as much land in the Indian territory as they give in the 25-mile strip. Now, you see that we cannot make the proposition in swapping this land; you would have no money except what comes from trust lands. What your Great Father wishes is to give you as much land as you will want for all time to come, and put it into this treaty, and show you where it is.

Braves, listen while I ask you one question. What is the land on the west part worth except for hunting ground? What good would all that land do you if all the deer and buffalo were off of it? And ten years from to-day there will not be a buffalo on it. But the Great Father don't propose to prevent you from hunting on that land as long as there is anything to hunt; for all the value is the game, and that the Great Father is willing for you to hunt. If you sell it you get the value of it in annuities forever. While you live by hunting, all you want is a tract to live on while you are not hunting, and when the game is gone you will only want a country large enough to live on. If you sell this land, you will get $1,500,000, and $300,000 will buy you as good a home as this. I am not trying to cheat you, and would not if I could. Your Great Father has appointed me, and pays me to do your business; and I advise you that the proposition we have offered you is the best proposition you can get. You are full-grown men; take my proposition and think of it again.

REMARKS OF WAT-I-NU-KA.

My father, the talk we have given you to-day is all we have to say. It is the best we can do. The reasons are that we may have our home.

REMARKS OF BIG ELK.

I understand you have come from the Great Father. I suppose you are like a merchant who puts his pocket full of money and goes to trade. When he goes to buy the merchants put such a price you are afraid to buy. You look at it and if you want it you will buy, but if he thinks it too high he will not take it.

REMARKS OF COLONEL THOMAS MURPHY.

Colonel Murphy made some remarks in regard to the treaty, and the time we had spent in trying to make a good treaty for them; but if they were unwilling to make a treaty they would distribute the annuity goods and then go home.

Council then adjourned.

A. N. BLACKLIDGE,
Secretary.

OSAGE COUNCIL GROUND,
Osage Nation, May 25, 1868.

Commissioners met the Osages in council for the purpose of signing the treaty, as per agreement on last evening.

Commissioner Taylor addressed them as follows:

CHIEFS, HEADMEN, AND WARRIORS OF THE OSAGE NATION: We have been for many days together and have delivered to you more than once the message of the Great Father sent to you, and have heard your leading men speak in reply. You have asked many questions and I have answered them. I have tried to explain everything you did not understand. You have now professed to understand all. At first you thought you would not sign the treaty. Yesterday you said with another bright and beautiful day you would sign the treaty. We have met for that purpose. I hope the future for you and your children will be as bright and prosperous as this day, and that you will now come up and sign this treaty. We will now sign it, and you are expected then to sign it.

REPLY OF WAH-TI-AN-GAH.

For several days you have brought us the talk of the Great Father, and we have consulted on it. Two days ago we agreed to let you have the 25-mile strip at $1 per acre. You said you could not pay it. You said that with $300,000 you would buy us a new home in the Indian territory. That home looks to me no larger than those hills around here. But my plans are changed, and I will explain. You know the size of my country; if you will give money as large as the land I will sell it.

SPEECH OF BEAVER.

You have been here many days and I have not said a word. There are chiefs of the five bands of the Osages. They say they could not decide this matter, and gave it over to the warriors. I think the Great Father cares but little about his red children. You see now that our lands are narrow, just like a road. If the Great Father buys all this land, where will we live? The Great Father seems to think his red children can throw away their homes for nothing. We have sold the eastern strip in order to have something to live upon, and farm upon this home, but we have got nothing for it yet. My councillors should have notified me that they would not treat, as I have come to sign the treaty as explained to me by them.

REPLY OF COMMISSIONER TAYLOR.

I am sad for two reasons at your conclusion. The Great Father will be displeased. I look into the future and see that the action of the Osages this day, in refusing to sign the treaty, will not be to your interest. The Great Father at Washington has not wronged you; he does not propose to do it in the treaty. The land he has, which you once owned, he paid for, and he proposes now to pay for your homes in Kansas. He wanted to buy this land for the benefit of both his red and white children. To-day you are poor in everything but land. The Great Father wanted to place you where you would have plenty of land and money. He has offered you the best treaty ever offered to Indians. We have tried to get you to accept it. Yesterday you accepted it. To-day you reject it. As you have rejected the advice of the Great Father you must take care of yourselves. There are some things we wish to talk to the chiefs and councilmen by themselves.

SPEECH OF CHE-TO-PAH.

We have heard of your coming for some time from Washington. We have *seen* you and have told you what we have decided, and I understand from our

councillor that we had agreed to sign the treaty. You now understand why it is not signed. I am not tired of you, but I am tired of studying for the Osage people.

SPEECH OF HARD ROPE.

Yesterday we agreed to sell the land, and I tried to get our councillors to sell. Now they say they will not sell.

SPEECH OF KONEAEGLA.

When we first got into council I spoke to you, and I suppose you now understand us. In former times our old men had nothing to study about. We owned a strip of country where the sun goes down. The Great Father heretofore has bought only a small strip, and we now have agreed to sell a part of our land. We do not refuse to sell, but we want our pick in the Indian territory.

SPEECH OF TWELVE O'CLOCK.

It is true I heard of your coming from the Great Father. I wondered to myself what you were coming for. After you arrived you said you had come with a good heart, and I told you I was of a good heart. Now, I am going to give you a piece of talk of my own. You told the councillors they were not studying the welfare of their children. That is true. I want them to be prosperous. When I met you I took you by the hand, the arm, and wrist, a token of perpetual friendship. Last fall I met you on the Arkansas with one of my respectable men. I want to say to you no foolish thing.

SPEECH OF JOS-PAH-NE-O-NE-PAH-SHE.

I have a few words to say to you. We heard of your coming and our hearts were glad. We had much unsettled business which we expected you to settle. Our forefathers have always listened to the Great Father, and they have lost a great scope of country, not knowing what money is. Listening to the advice of the Great Father, you see what we have come to; a little narrow strip of country. The Great Father, has agreed to protect us, but he has not done it. The white settlers have crowded upon us and taken our land. The chiefs have never done anything for our benefit. When the white man loses any property I restore it if it comes into my possession. When the Osage lose a horse it is gone forever. When you came I thought you would drive off the settlers from our land; but now you say we will be unprotected. You have come for land, and we have agreed to sell a part. You say the Great Father loves us! Why then does he not protect us? You want our lands, but why should we sell and buy the home, costing us more than what we sell?

SPEECH OF NUMPAWALLAH.

We have been in council now several days, and have been talking to the councillors and braves, and we concluded to give the matter to them. After coming to a conclusion, yesterday, you now see they are divided. I want them to come together and be of one mind.

SPEECH OF WATTINIKA.

A few moments ago I spoke to you. Here is a small reserve, and we of the Big Osages say that we do not want to sell. Yesterday our men agreed to sell, and now we want to know what you will report to the Great Father. To-day the council will end.

SPEECH OF WAH-E-SHE-SHE.

I told you down in the bottom that the Osages were a pack of fools. They are a good-looking people, fine features and handsome, but they are all fools in council. I am willing to treat, and want our people to be of the same mind.

REMARKS OF COLONEL MURPHY.

We have a treaty here that we know is a good treaty, and, if made, your people will live happily under it forever. If you do not sign it you will lose your best chance to make a treaty favorable to you. You agreed to leave the matter to twelve of your councillors and braves. Yesterday we explained it to them, and they agreed to sign it this morning, believing it to be a good treaty. Now, the same men say they have changed their minds. In all my dealings with the Indians, when I promised anything to the Indians, I always tried to fulfil it; and, if I failed, they said I talked with a forked tongue. If you will now come up like men and sign it, your children will be glad of it; if not, I fear they will regret your action.

The council then adjourned, the Indians wishing further time to consult.

A. N. BLACKLIDGE, *Secretary.*

OSAGE COUNCIL GROUND.
May 26, 1868.

The commissioners met; all present.

The president laid before the commission a communication from Charles W. Blair, President of the Missouri, Fort Scott and Santa Fé Railroad Company, which communication was read, ordered to be put on the record, and the president of the commission instructed to answer it.

[Copy of communication.]

SIR: As you stated at your public council with the Indians that all future consultations between the commission and the Indians were to be private, from which all others were to be rigidly excluded, and thus other parties can only reach the Indians through you, I have the honor to request permission to call them together in council with the representatives of the Missouri, Fort Scott and Santa Fé Railroad Company, with a view of submitting to their consideration a treaty with said company on the following basis:

1. A purchase of all their lands for said road at $2,000,000, $100,000 to be paid in 90 days from the ratification of the treaty by the Senate of the United States, and the other payments at the rate of $100,000 per year until the whole purchase money is paid, the whole to bear interest from the ratification and promulgation of the treaty until paid.

2. One hundred and sixty acres of land leased free of cost to every half-breed Osage, male and female, over 21 years of age, who may desire to remain on said land and become citizens of the United States.

3 One hundred and sixty acres secured to each settler who may be on any portion of said lands at the date of said treaty, at $1 25 per acre, being government price therefor.

4. Every sixteenth section of said land to be donated to the State of Kansas for the endowment of her public schools.

5. The interest of said purchase money to be paid semi-annually, and disposed of by the treaty in a manner satisfactory to the Indians, and so as to promote their best interests.

6. Patents to issue to said company for said land only in proportion to the amount actually paid.

7. Said interest and principal to be paid by said railroad company to the Secretary of the Interior, and the interest disbursed to the Indians by him, through the Commissioner of Indian Affairs.

As this council has now been in session about two weeks, and the Indians have thus far declined to treat, although all other propositions have been withheld from them except that of the Leavenworth, Lawrence and Galveston Railroad Company, it is now but fair that they should have an opportunity of considering another proposition which gives them a

larger sum of money for their lands, protects the settlers on the same, secures a home to the half-breeds, enlarges the State endowment for school purposes, and which is quite as fair to the government as the proposition so long considered and rejected.

If the responsibility of the company is doubted, I again offer, as before, as a guarantee of good faith and ability, the bonds of men worth $100,000, or the draft of a responsible banking house on New York for $50,000, to be forfeited in case the company fail to comply with the requirements of the treaty.

I have also the honor to request that this proposition be filed with the papers of the commission for future reference.

Very respectfully, your obedient servant,

CHARLES W. BLAIR,
President Missouri, Fort Scott and Santa Fé R. R. Co.

Hon. N. G. TAYLOR,
Commissioner of Indian Affairs.

Reply of Commissioner Taylor.

OSAGE COUNCIL GROUND,
Osage Nation, May 26, 1868.

SIR: Your communication addressed to me, of yesterday's date, was handed me half an hour since by Colonel Wilson.

I have the honor, in reply, to inform you that having immediately on its receipt submitted your letter to the commission, it instructed me, unanimously, to respond that this commission, having been appointed and commissioned by the President to treat with the Osage Indians, has no power to transfer that authority to others, nor any disposition to do so. We have pleasure in adding that present indications are entirely favorable to a successful termination of our labors.

With sentiments of high regard, I have the honor to be, very truly, your obedient servant,

N. G. TAYLOR,
President Osage Commission and Com'r Indian Affairs.

General CHAS. W. BLAIR,
President Missouri, Fort Scott, and Santa Fé Railroad.

Commission adjourned.

A. N. BLACKLIDGE, *Secretary.*

OSAGE COUNCIL GROUND,
Osage Nation, May 27, 1868.

The commission met the Indians in general council, for the purpose of further explanation of the treaty and the signing of the same.

SPEECH OF WAH-TI-AN-GAH.

I wish to say a few words. There are many little things we wish to say to you, but we now listen to you. We are going to listen to the Great Father. You know as well as we do that there are but five bands of the Osages, and now you say you will put goods into six piles. If the half-breeds want to come back and live with us they must put $2,000 into the treasury. They are our children, and we will take care of them, but they must not control our affairs. I fear they will make a false report to the Great Father.

SPEECH OF JOE.

I do not thoroughly understand that treaty, and I wish to understand it before I sign it.

Commissioner Murphy then explained it again in detail.

SPEECH OF BEAVER.

I wish to say a few words. We are letting you have this land upon a promise on your part to pay. Until we get our pay we don't want any white man to come on these lands. When we sold the Neosho country we were promised pay for removal to this reserve, and never received any. When we move to our new home we don't want to move at our expense, but at the expense of our Great Father. After we receive our first payment, then we have no objections to the whites going upon our lands. We have notified our agent of these trespasses, but he had a heap of trouble, and has not been able to keep them off our lands.

SPEECH OF CHE-TO-PAH.

GREAT FATHER: You now have heard all that is to be said. I understand that the chiefs have decided to sign the treaty. But the signing of a treaty is a difficult thing. The Big Osages sign by themselves, and the Little Osages by themselves. The past treaties I have not troubled myself about; but in the future, if the promises made in this treaty are not fulfilled, I shall mind it. The chiefs are now, I suppose, ready to sign.

SPEECH OF WAH-SHE-SHO-SHE.

I wish to put it in a paper that the Osage country is a place for the white people to come and steal.

SPEECH OF JOE PAW-NE-NO-PA-SHE.

To please both parties of the Osages and the government I will sign the treaty, and we expect not a thing in the treaty to fail. We understand that we are to have the privilege of hunting on the western part of the lands sold.

After which the treaty was signed by over 100 of the Indians, including chiefs, headmen, counsellors, braves, and warriors.

Whereupon the council adjourned.

A. N. BLACKLIDGE, *Secretary.*

OTTAWA, KANSAS,
May 30, 1868.

Commission met to consult in regard to the further business of the commission. On motion, Commissioner Murphy was instructed to sell all the provisions, camp equipage, and other articles that had been purchased for the use of said commission and not used.

Commission adjourned.

A. N. BLACKLIDGE, *Secretary.*

DEPARTMENT OF THE INTERIOR,
Washington, D. C., July 18, 1868.

SIR: Since my report to you of yesterday, in reply to resolution of the House of Representatives of the 13th instant, requesting you "to furnish to the House copies of all instructions, records, and correspondence connected with the commission authorized to negotiate the late treaty with the Great and Little Osage Indians, and copies of all propositions made to said commission from railroad corporations or by individuals," I have received from the Commissioner of

Indian Affairs a letter transmitting to the department a letter addressed to him by the Hon. Sidney Clarke, on the 13th day of April last, upon the subject of the treaty with the Great and Little Osage tribes of Indians.

I now lay before you copies of both of said letters, and request that you will transmit them to the House of Representatives, as they constitute a proper and necessary part of the answer to the resolution above referred to.

I am, sir, with great respect, your obedient servant,

O. H. BROWNING,
Secretary.

The PRESIDENT.

HOUSE OF REPRESENTATIVES,
Washington, D. C., April 13, 1868.

SIR: In a conversation, on Friday last, you informed me of the appointment of yourself and other gentlemen as a commission to make a new treaty with the Great and Little Osage Indians, with a view of extinguishing the title to their lands in the State of Kansas and removal to a new reservation in the Indian territory. This result is most ardently desired by the people of my State; is in accordance with the will of Congress, expressed several years since; and is in harmony with the interests of the Indians and of the government.

But there is another question in which Kansas, and the whole country, has a deep interest, and to which I desire to call your attention and the attention of your associates on the commission, before you enter upon the duties assigned you. I refer to the manner of extinguishing the Indian title to the diminished reservation, and the opening of the same to the vast flow of emigration now seeking new homes in southern and southwestern Kansas. The land for which you are to treat comprises about 8,000,000 acres. It is fertile in its soil, situated in a mild climate, is well watered and wooded, and must be, in every way, vastly attractive to the multitude of people now seeking homes on the new lands of the continent.

Sound public policy, as well as the interests of the Indians themselves, demands that this great body of land should be opened up for settlement at once, and placed in a position where the settlers can obtain perfect titles, and at a price not exceeding $1 25 per acre. It would be far preferable, and but justice to our pioneer settlers, to have this land opened up to homestead entry. But if this cannot be done, then the people of my State, and the public interests generally, unite in the demand that the new treaty shall provide for pre-emption rights at the usual price per acre. It is estimated that 75,000 people are now on their way to, and are making arrangements to settle in, the State of Kansas the present year. Indeed it is not improbable that the increase of our population will be double that number. Most of these people are seeking for new and cheap lands. In behalf of these hardy pioneers, many of whom fought for the defence of the government, whose protection they now ask from all systems of land monopoly, I earnestly appeal. As the only representative of my State in the lower branch of Congress, I shall insist that all future treaties for the acquisition of Indian reserves in Kansas be based upon the principle I have indicated, viz: that the lands be opened up to actual settlers, free from all schemes of speculation and monopoly so disastrous to the prosperity of the new States.

I am advised that propositions will be made by railroad corporations to secure these lands by absolute purchase. To this I have no objection, provided the company making the purchase builds the road through the lands, and they are immediately opened to settlement at government price. There is probably about 2,000,000 acres east of the Arkansas river, and 6,000,000 acres west of

said river. I assume that the purchase can be made from the Indians at a price not exceeding $1,500,000, and certainly not exceeding $2,000,000. The profits derived from the sale of the land to actual settlers during the next five years would yield enough money to build the Galveston road to the Arkansas river at Fort Gibson, or run a road west or southwest an equal distance. Thus the interests of railroads, and of the State, and of actual settlers, would be all subserved, and a land policy established which would add greatly to the growth and wealth of the State I represent. I do not indicate the details of this policy, but if railroad companies desire to purchase, the principles I have indicated can be easily incorporated in the detailed provisions of the proposed treaty.

There is another important question to which I earnestly call your attention. The settlers on the land ceded and sold by the treaty, proclaimed January 21, 1867, are yet without titles to their homes. A joint resolution has been passed by the House of Representatives for the relief of these settlers, and is now pending in the Senate. I appeal to your commission to meet the settlers referred to in full and free conference; and, in the treaty you are about to make, provide for the full recognition of their rights, as you have abundant power to do, and thus settle the question, already too long at issue, in the interests of justice. I also recommend that you insert a clause in the new treaty recognizing the full power of Congress to legislate hereafter.

The importance of the questions to which I have referred to the interests of a large portion of my constituents, and the pressing necessities of immediate solution, make no apology on my part necessary in thus earnestly addressing you, and through you the gentlemen of the commission. The title to the land of a country is the first question to be considered in any point of view. Especially is this true in a State like Kansas, where the people are devoted to agricultural and pastoral pursuits. It is for such a people I have the honor to seek for justice at your hands, as well as for the landless millions of the country, now seeking for new homes, where they can add so materially to the wealth and power of the nation.

It is but proper to add that, in my opinion, no treaty that does not open the lands to immediate settlement, essentially in accordance with the views I have suggested, can or ought to receive the approval of the Senate.

I ask you to make my views known to your commission, and to the Secretary of the Interior.

Very respectfully, your obedient servant,

SIDNEY CLARKE.

Hon. N. G. TAYLOR,
Commissioner of Indian Affairs, Washington, D. C.

40TH CONGRESS. 2d Session. | HOUSE OF REPRESENTATIVES. | Ex. Doc. No. 311.

BRAZIL MAIL STEAMSHIPS.

LETTER

FROM

THE SECRETARY OF THE TREASURY,

TRANSMITTING

Statement of the sums paid without protest on the vessels of the United States and Brazil Mail Steamship Company at the port of New York, amounting to $7,611 10.

JUNE 23, 1868.—Referred to the Committee on Appropriations and ordered to be printed.

TREASURY DEPARTMENT, *June* 20, 1868.

SIR: I have the honor to transmit herewith a certified statement of the sums paid without protest during the years 1865, 1866, and 1867, on the vessels of the United States and Brazil Mail Steamship Company at the port of New York, amounting to $7,611 10.

By the 4th section of the act of 28th May, 1864, "authorizing the establishment of ocean mail steamship service between the United States and Brazil," it is provided "that the mail steamships employed in the service of this act shall be exempt from all port charges and custom-house dues at the port of departure and arrival in the United States, provided that a similar immunity from port charges and custom-house dues is granted by the government of Brazil."

Previous to February, 1867, no evidence was offered by this company to show that the condition expressed in the above proviso had been fulfilled, and for a portion of the time antecedent to that date, all the regular charges imposed upon their vessels at New York, including tonnage taxes, were duly paid without protest or objection.

Upon it being made manifest to the department that the vessels of this company did, in fact, enjoy a special exemption in Brazilian ports from anchorage dues, certified as analogous to the tonnage tax of our law, reimbursement was made of all payments for tonnage tax against the exaction of which due protest had been made according to law. But the department was precluded by the 14th section of act of 30th June, 1864, from entertaining the claim for refund of other payments made without protest. It seems right, however, that moneys so collected from this company should be refunded notwithstanding, and I respectfully submit a section designed to remove the bar in this case imposed by the act of 1864 above cited. The amount involved is $7,611 90.

Very respectfully,

H. McCULLOCH,
Secretary of the Treasury.

Hon. SCHUYLER COLFAX,
Speaker of the House of Representatives.

Statement of tonnage exacted on United States and Brazilian Mail Steamship Company's vessels, and paid by them without written protest, and for the refund of which they have made a claim to be sent to Congress for an act of relief. C. K. Garrison, president and claimant. Issued under treasury instructions dated June 15, 1868.

December 1, 1865, per Havana, from Rio de Janeiro, December, 1865, paid tonnage on 1,801 tons at 30 cents	$540 30
December 28, per North America, from Rio de Janeiro, December, 1865, paid tonnage on 2,085 tons at 30 cents	625 50
January 30, 1866, per South America, from Rio de Janeiro, January, 1866, paid tonnage on 2,151 tons at 30 cents	645 30
March 7, per Havana, from Rio de Janeiro, March, 1866, paid tonnage on 2,016 tons at 30 cents	604 80
March 30, per North America, from Rio de Janeiro, March, 1866, paid tonnage on 2,085 tons at 30 cents	625 50
May 2, per South America, from Rio de Janeiro, May, 1866, paid tonnage on 2,151 tons at 30 cents	645 30
September 20, per North America, from Rio de Janeiro, September, 1866, paid tonnage on 2,085 tons at 30 cents	625 50
October 22, per South America, from Rio de Janeiro, October, 1866, paid tonnage on 2,151 tons at 30 cents	645 30
December 1, per Guiding Star, from Rio de Janeiro, December, 1866, paid tonnage on 2,596 tons at 30 cents	778 80
December 24, per North America, from Rio de Janeiro, December, 1866, paid tonnage on 2,085 tons at 30 cents	625 50
January 22, 1867, per South America, from Rio de Janeiro, January, 1867, paid tonnage on 2,151 tons at 30 cents	645 30
September 2, per Havana, from Rio de Janeiro, September, 1867, paid tonnage on 2,016 tons at 30 cents	604 80
Excess of duty paid	7,611 90

CUSTOM-HOUSE, NEW YORK, *June* 19, 1868.

I certify that the excess of duties paid by United States and Brazil Steamship Company, agreeably to the foregoing statement, amounts to $7,611 90; that the said duties have been accounted for to the treasury, and no part thereof heretofore paid back; that neither of the parties claiming appear on the records of the custom-house as indebted to the United States.

H. A. SMYTHE,
Collector.

Countersigned:

C. J. FRANKLIN,
Special Deputy and Acting Naval Officer.

I, C. K. Garrison, president of United States and Brazil Steamship Company, do hereby certify on oath that the claim above referred to has not been assigned or alienated by operation of law or otherwise; that no portion thereof has been heretofore refunded; that I am not nor is said steamship company indebted to the United States.

C. K. GARRISON.

Sworn before me, this 19th day of June, 1868.

[L. S.] SAMUEL GODWIN,
Notary Public.

Hon. SECRETARY OF THE TREASURY.

SECTION —. That the Secretary of the Treasury be, and he is hereby, authorized to refund to the United States and Brazil Steamship Company, out of any money in the treasury not otherwise appropriated, all sums heretofore collected at the custom-house at New York city by way of tonnage taxes upon the vessels of said company employed in mail service between the United States and Brazil, under the provisions of the act of 28th May, 1864, entitled "An act authorizing the establishment of ocean mail steamship service between the United States and Brazil," notwithstanding that such sums were paid without due legal protest and appeal: *Provided*, That satisfactory evidence shall be produced to the said Secretary that at the time the said taxes were imposed, the said vessels were in Brazil specially exempted from similar exactions to which other vessels were in the ports of that country liable.